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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial report of States Parties due in 1993

Addendum

Federal Republic of Yugoslavia

[21 September 1994]

CONTENTS

	Paragraphs	Page
Introduction	1 - 5	4
I. GENERAL MEASURES OF IMPLEMENTATION	6 - 22	5
A. Social care of children prior to the Convention	6 - 10	5
B. Coordination of methods and strategies	11 - 17	6
C. Scope of application of the legal framework	18 - 22	8
II. PUBLICATION OF THE CONVENTION (arts. 42 and 44)	23 - 31	9
III. DEFINITION OF THE CHILD	32 - 34	11
IV. GENERAL PRINCIPLES	35 - 36	11

CONTENTS (continued)

		Paragraphs	Page
V.	CIVIL RIGHTS AND FREEDOMS	37 - 96	12
	A. The child's first name (art. 7)	41 - 50	13
	B. Preservation of identity (art. 8)	51 - 58	14
	C. Children's access to appropriate information (arts. 13 and 17)	59 - 85	15
	D. Freedom of thought, conscience and religion (art. 14)	86 - 91	20
	E. Freedom of association and of peaceful assembly (art. 15)	92	21
	F. Protection of privacy (art. 16)	93	21
	G. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))	94 - 96	22
VI.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	97 - 169	22
	A. Parental responsibilities (art. 18, paras. 1-2)	102 - 127	23
	B. Separation from parents (art. 9)	128 - 132	27
	C. Recovery of maintenance for the child (art. 27, para. 4)	133 - 139	27
	D. Children deprived of family environment (art. 20)	140 - 146	29
	E. Adoption (art. 21)	147 - 153	30
	F. Illicit transfer and non-return (art. 11)	154 - 162	31
	G. Abuse and neglect (art. 19)	163 - 168	32
	H. Periodic review of placement (art. 25)	169	33
VII.	PRIMARY HEALTH AND SOCIAL CARE	170 - 288	33
	A. Child health care (art. 6, paras. 2 and 4)	171 - 232	33
	B. Protection of disabled children (art. 23)	233 - 244	43

CONTENTS (continued)

		Paragraphs	Page
	C. Social protection and health care services (arts. 26 and 18, para. 3)	245 - 287	46
	D. Standard of living (art. 27, paras. 1-3)	288	52
VIII.	EDUCATION, LEISURE TIME AND CULTURAL ACTIVITIES	289 - 343	52
	A. Education, including vocational training and guidance (art. 28)	289 - 311	52
	B. Objectives of education (art. 29)	312 - 314	55
	C. Leisure, recreation and cultural activities (art. 31)	315 - 343	56
IX.	SOCIAL WELFARE MEASURES	344 - 428	59
	A. Children in situations of emergency	344 - 371	59
	B. Children in conflict with the law	372 - 390	64
	C. Children in situations of exploitation	391 - 420	68
	D. Children belonging to a minority or an indigenous group (art. 30)	421 - 428	73
Annex:	Minors reported, accused and sentenced for criminal acts.		78

Introduction

1. This report contains the analysis of the general legal framework of the Federal Republic of Yugoslavia* in the fields of the protection of the rights of the child and satisfaction of a wide range of their current and developmental needs, thus realizing in practice the principles, doctrine and practices set out in the Convention on the Rights of the Child. The report also contains some necessary details on the application of that framework in practice, as well as on problems and difficulties encountered in practice in that respect.

2. The Convention on the Rights of the Child was signed on 26 January 1990, and the Socialist Federal Republic of Yugoslavia (SFRY) Assembly ratified it in December 1990 upon the agreement of the Assemblies of all the federal units of the former Yugoslavia (the Law on Ratification of the United Nations Convention on the Rights of the Child was adopted by the Socialist Federal Republic of Yugoslavia Assembly at the session of its Federal Chamber on 13 December 1990 and at the session of the Chamber of the Republics and Provinces on 18 December 1990). It should be recalled that the former Socialist Federal Republic of Yugoslavia took an active part in the drafting of the Convention and sponsored the relevant resolutions on this Convention in the Economic and Social Council and the United Nations General Assembly.

3. The Constitution of the Federal Republic of Yugoslavia promulgated on 27 April 1992, based on the continued legal personality of Yugoslavia and the voluntary association of the Republics of Serbia and Montenegro, recognizes and guarantees rights and freedoms of the man and citizen recognized by international law (art. 10), while the family, both mother and the child, enjoys special protection (art. 61). In addition, the Constitution stipulates that all international treaties, endorsed and published in accordance with the Constitution and the generally accepted rules of international law, form an integral part of the country's internal legal order (art. 16, para. 2).

4. Accordingly, the Federal Republic of Yugoslavia is a country which has ratified the Convention on the Rights of the Child. The law on its ratification stated a reservation only with respect to article 9, paragraph 1, of the Convention so that all other provisions of this Convention are being applied. The reservation stems from a practice known in Yugoslavia for several decades, a practice which has proved praiseworthy, namely of allowing even the guardian agencies to decide on a child's separation from his parents against their will and his placement in the care of appropriate social welfare institutions, in cases where this is mandated by the child's interests.

5. The federal Law on Ratification of the Convention tasks the Federal Ministry for Labour, Health and Social Policy with coordinating children-related policies and with monitoring the Convention's application at the national level. Meanwhile, the Federal Ministry for Human and Minority Rights has been established and given the competence in monitoring the

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* Basic data on the country, population and legal, political and economic systems are contained in the "core document" (HRI/CORE/1/Add.40).

enforcement of international conventions in the field of human rights and particularly the rights pertaining to women and children. Coordination of activities has been ensured through direct cooperation primarily among the competent republic ministries and other relevant social agencies, organizations and institutions concerned with the provision of child care at the federal, republic and local levels. There is also close cooperation with non-governmental organizations for children and the Yugoslav Commission for Cooperation with UNICEF, as well as relations with the international organizations for children which have their head offices in the territory of the Federal Republic of Yugoslavia.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Social care of children prior to the Convention

6. During the Second World War a large number of children perished in camps and combat operations, and a substantial part of the institutional child-care network was destroyed or adapted to suit different purposes. In the immediate post-war period, the authorities strove assiduously to protect children and promote their social status. The first child-care regulations were passed in 1945. Yugoslavia was one of the first countries to sign the Cooperation Agreement with UNICEF (in 1947) and was the first European country and the second country in the world to set up a National Committee for UNICEF (in 1948), thus giving a strong impetus to the development of social welfare for children. Yugoslavia ratified the Declaration on the Rights of the Child in 1959.

7. The 1946 Constitution of Yugoslavia proclaimed the following principles:

(a) Family and marriage are under State protection;

(b) Legal relations between the spouses and family members are regulated by State laws;

(c) Minors enjoy special State protection;

(d) Women are equal with men in all walks of political, economic and social life;

(e) Parents have the same obligations and duties toward their children born out of wedlock as toward their legitimate children;

(f) The status of illegitimate children is regulated by law;

(g) The State safeguards the interests of mothers and children particularly by founding maternity hospitals, children's hospitals, children's homes and kindergartens.

8. By the end of 1947, the main federal laws and regulations governing child, woman and family care pursuant to the 1946 Constitution had been enacted: the Basic Law on Marriage, the Basic Law on Parent-Child Relationships, the Law on Adoption, the Basic Law on Foster Care, the Decree on Child Benefits dated 20 April 1945, etc. The republics within Yugoslavia

enacted separate laws governing the provision of foster care, issues related to guardian agencies, accommodation of children in families and some other enforcement acts, but family legislation remained a single legal framework at the level of the federal State all the way through the end of 1971 (Constitutional amendments XX to XLII).

9. The 1974 Constitution of the Socialist Federal Republic of Yugoslavia reasserted the 1971 amendments and transferred the federation's legal responsibility for family law to the republics and autonomous provinces. Nevertheless, federal legislation remained in use all the way through the adoption of republic and provincial family regulations.

10. In the 1973 to 1980 period, all the republics and provinces passed either individual laws or family codes. Thus, in 1980 Serbia passed the Law on Marriage and Family Relations, while Montenegro enacted four separate laws in this area (on marriage, parent-child relations, adoption and on guardianship and foster care) in the period 1973 to 1980, and passed the Family Law in 1989.

B. Coordination of methods and strategies

11. Any study of this report should take particular account of the problems triggered by the secession of parts of Yugoslavia, the economic and social crisis, by the war raging along the Federal Republic of Yugoslavia's western borders and, finally, by the sanctions of the United Nations Security Council and the European Union.

12. With regard to the competences in the enforcement of policies and regulations concerning the rights of children and child care (social welfare, health, etc.), there were major changes of agencies responsible. The policy designed to ensure the use of children's rights and welfare was proposed and charted mainly by a massive socio-political organization - the Socialist Alliance of the Working People (SSRN) - which had separate divisions for social policy and child care, women's activities, family planning, education, etc. For a long time the Socialist Alliance of the Working People remained a platform where discussions and propositions could be arranged on the problems of child care, the use of their rights, family problems, the status of women, etc., which affected favourably the democratization process in this area. With the inauguration of a multiparty system, the Socialist Alliance of the Working People disappeared too. However, neither at the federal State level nor in the republics or provinces was there any separate ministry for children's rights or child care in any of Yugoslavia's developmental stages - as the Democratic Federal Yugoslavia (DFJ); Federal People's Republic of Yugoslavia (FNRJ); Socialist Federal Republic of Yugoslavia (SFRJ); nor in the Federal Republic of Yugoslavia (SRJ). Nevertheless, in the period 1966 to 1990 all the republics and provinces set up special social funds in towns and communes to chart and implement social welfare policies for children. These funds had their own sources of income and authentic responsibilities. Following the 1971 constitutional amendments, they were transformed into self-management interest communities for social child care and given a high degree of autonomy but rather narrow responsibilities (for pre-school education and, later on, for child allowance). The implementation of children's other rights was taken care of

by the self-management interest communities in the fields of education, culture, health care, sports and leisure and social welfare.

13. All these communities were set up as republic or provincial organizations with units across the communes, thus spurring local initiatives and mobilizing additional local resources, particularly important in the field of investments and supplementary entitlements.

14. Following the adoption of the Constitution of the Federal Republic of Yugoslavia in April 1992 which contains the broadest assurances to the effect that the family, mothers and children shall enjoy special protection and that children born out of wedlock shall enjoy equal rights and have equal duties as children born legitimately (art. 61); that children, expectant mothers and senior citizens shall have the right to health care funded out of public revenues (art. 60); that schooling shall be equally accessible to everyone, under equal terms; and that elementary education shall be compulsory and free of charge (art. 62); social welfare for children has become the exclusive responsibility of the republic ministries, namely for labour, veterans' and social affairs, social security, education, health, culture and sports.

15. Since 1992 with the strengthening of a multiparty democracy, specific initiatives have been taken within certain parties with the aim of safeguarding children's rights (on the prohibition of the abuse of children for political purposes; on the reintroduction of religion as a school subject; on reforming the schooling system, etc.). Also, new associations of citizens have been organized as non-party and non-governmental organizations dealing with issues of child care and the protection of their rights.* As of late they have some influence on the decision-making in the Parliament and Government.

16. Child-care financing comes for the most part out of the budget of the republics. It should be recognized that with the sanctions and the economic blockade in place, with the transition to a market economy virtually halted, the budget is the only real source of revenue, albeit depressed and insufficient itself. In such circumstances, worth mentioning is the assistance granted by enterprises and individuals all around the Federal Republic of Yugoslavia in various forms (financial aid for medical treatment, rest and rehabilitation of children, procurement of teaching aids, etc.), especially for the refugee children. In view of the difficult situation of children in Yugoslavia, noteworthy are the substantial grants extended to them by the Yugoslavs living and working abroad as well as the relief aid sent in by international humanitarian organizations (UNICEF, etc.) in food, medicines, clothing, footwear, and teaching aids. This has provided relief especially to refugee children and children born into disadvantaged families.

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* "Friends of Serbia's Children", for instance, has also a separate Council for the protection of the rights of the child.

17. The crisis, inflation (running in January 1994 at no less than 3,312,000 per cent!), the budgetary deficit and the collapse of the economy did not allow any more radical plans to be executed in any segment including the area of child care. However, in 1992 the Governments of Serbia and of Montenegro, passed new laws on social care of children which were revised several times through amendments, decrees and government decisions in order to suit the very grave economic conditions. The drafting of this report coincides with the implementation of the Programme of Monetary Reform and Economic Recovery in Yugoslavia, a programme which has scored quite good results in the first three months of its implementation. Stabilization of the domestic currency helped the Government's measures in the area of cash benefits granted to families and children regain their real value. However, a cause for concern is that, according to the most optimistic forecasts made by the institutions for economic development issues, the Federal Republic of Yugoslavia will only in 2012 reach the rate of economic growth it registered in 1990.

C. Scope of application of the legal framework

18. The Constitutions of the Republics regulate the rights and duties of parents to bring up and educate their children (art. 29 of the Constitution of the Republic of Serbia and art. 59 of the Constitution of the Republic of Montenegro). Parents use these rights and perform their duties in keeping with the children's needs and interests and the community's interests (art. 7 of the Law on Marriage and Family Relations of the Republic of Serbia), "in the spirit of allegiance to their fatherland", encouraging the development of their working capacity and preparing them for the role of "useful members of the community" (art. 33 of the Law on Marriage and Family Relations). "The community shall encourage the building of a free, versatile and humane personality in a family" and "promote the principles of mutuality and solidarity in implementing mutual family rights and duties, as well as the rights and duties between parents and the society" (art. 18 of the Law on Marriage and Family Relations).

19. Legal safeguards to protect children are provided by means of punishment for the following criminal offences: living out of wedlock with a minor; default on payment of alimony; incest; denial of custody over minors; change in family status, abandoning a child; neglect and battering of a minor; prevention and non-enforcement of measures designed to protect a minor. Legal protection under criminal law (associated with the threat of sanctions) is an aspect of the normative framework for guarantees for the care of children by their family and concerns solely the worst violations of the rights and duties regarding child care. The statistics on social care and criminal law for minors and newspaper reports cover only extreme behaviour and feature data which do not provide a true insight into the parents' attitude towards children. Regrettably, to the detriment of children.

20. Alongside legal arrangements, this report, will, wherever possible, provide available data illustrating the nature of the parents' attitude to their children.

21. The second constraint to be borne in mind is the extent to which the objectives proclaimed by social institutions with regard to child care are

being pursued: certain objectives have been carried out well (access to elementary schools, reduction in neonatal and infant mortality rates, primary health care for children); other objectives have been carried out slowly and inconsistently (coverage of children by pre-school child-care institutions); while some other goals, although they do not concern children directly, are still very remote indeed (job availability, flat availability, a decent living standard). Therefore, the regulations outlined in this report which ensure the enforcement of the Convention on the Rights of the Child will be complemented, wherever possible, by details on the actual scope of application of those regulations, thus providing a more realistic view of the status quo.

22. The third limiting factor is the most important one. Over decades substantial funds have been invested in child care, mostly from the budget and social funds, but also from the enterprise sector and the local communities (voluntary tax). A powerful social and child-care infrastructure was built: elementary and secondary schools, countless pre-school institutions, children's health care and cultural institutions. During the crisis in the 1980s, investments in child care became even larger so as to preserve the achieved child-care standards in the face of crisis. At the turn of the last decade of this century, the field of child care was being prepared for the changes deemed essential in terms of the projected transition to a market economy. However, the 10-year-long economic recession ended with a crisis of the political system and secession with all its adverse economic and other implications. Eventually, the sanctions of the Security Council and the blockade imposed against the Federal Republic of Yugoslavia by the European Union have blocked the mobilization of domestic resources, cut short all external transactions and brought about a disastrous economic and social situation. It is still impossible to anticipate all the effects this will have, as the sanctions - particularly in the area of health care, births, deaths, etc. - have a protracted impact. Thus, while the report will discuss the effects of the sanctions on the exercise of children's rights, the true picture of their status will be available only in 10 years' time (deceleration of children's growth, resurgence of previously almost eradicated epidemic diseases, negative impact of hydro-infections, etc.). Accordingly, however hard the report seeks to present the state of legal art in a realistic light, the long-term effects of sanctions, objectively speaking, will hinder the exercise of particular children's rights in the manner envisaged by the relevant laws and government documents.

II. PUBLICATION OF THE CONVENTION (arts. 42 and 44)

23. Yugoslavia took a very active part in the initiation and formulation of the text of the Convention on the Rights of the Child (from 1979 until its adoption). This applies particularly to the Federal Ministry for Labour, Health and Social Policy, and to the relevant ministries of the republics and provinces in the former Socialist Federal Republic of Yugoslavia responsible for child care, education, health care, information, etc. Numerous non-governmental organizations for child care were involved in the procedural debate, especially the organization "Friends of Serbia's Children" and the former Yugoslav Committee for Social Welfare.

24. Immediately upon ratification, the Convention on the Rights of the Child was published in the "Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties", No. 15, 1990 in the English original and in the Serbo-Croatian translation.

25. To make the provisions and principles of the Convention more generally known, more comprehensible and applicable among adults and children, a project titled "The rights of children in Yugoslavia" - an empirical study of children's perception and understanding of their rights in a broader social context - was launched in 1990. The project was meant to enable the pragmatic use of collected data so as to draft and publish the Convention in children's language, with the aim of making it accessible to every child, raise public awareness and prompt the relevant institutions to take action towards its application.

26. Following the adoption of the Convention on the Rights of the Child in 1989, and its ratification by Yugoslavia in 1990, the Yugoslav Commission for Cooperation with UNICEF published in 1991 a brochure, "Children Before All", which, apart from the Convention, also contained the Global Declaration and the Plan of Action adopted at the World Summit for Children in September 1990.

27. The text of the Convention was also published by the United Nations Information Centre in Belgrade in its news bulletin ("UN News Bulletin"). Apart from that, the Convention also came out in the languages of the minorities living in the Federal Republic of Yugoslavia (in Albanian, Hungarian, Ruthenian, Slovak and Romanian). Also nearing completion is work on a publication entitled "Children's Rights Primer", an abridged version of the Convention which is meant to suit the age of children and their language and is the essence of the project mentioned in paragraph 25.

28. Bearing in mind the active participation of Yugoslavia in the process of promulgating the Convention on the Rights of the Child, after it was adopted the Convention served as a basis for numerous research and expert gatherings dedicated to children's developmental problems, while the principles and provisions of the Convention have been the subject of numerous research and expert articles, periodicals, research monographs and textbooks.

29. The present report by the Government of the Federal Republic of Yugoslavia, to be presented to the Committee on the Rights of the Child pursuant to article 44 of the Convention, will, subject to adoption, be published as a separate brochure, with the aim of informing the general public on the progress made in the enforcement of the Convention on the Rights of the Child, the problems encountered and measures to be taken to mitigate the situation. The main sections of this report will be presented to the public through the mass media, and as for the implementation of the rights of the child in the Federal Republic of Yugoslavia, a television round-table will be organized in a prime-time slot to discuss the current problems associated with the safeguards for children's rights and prospects for the improvement of the situation.

30. Apart from media coverage, the transparency of the Government's programme will also be ensured, i.e. the Government of the Federal Republic of

Yugoslavia will propose the placing of the text of this report on the agenda of the Federal Assembly while through the republican governments it will initiate its review in the Assemblies of the respective member republics.

31. On the basis of the code "Children and the Media" adopted in 1993 (rules of conduct for the media vis-à-vis children), all major media (the leading television networks and papers) have pledged to give full coverage to the commitments derived from the Convention reminding the competent authorities and all others of the needs and rights of the child and the possibilities for overall action-taking along those lines. The media will, in an appropriate manner, also cover the practice of other countries further to reports by specialized United Nations agencies, like UNICEF, but also by other United Nations bodies like the Committee on the Rights of the Child, exchanging certain footage and programmes with other mass media worldwide (in accordance with art. 42 of the Convention). Section V of the report contains a list of media programmes for children exemplifying the execution of commitments made.

III. DEFINITION OF THE CHILD

32. Children acquire full eligibility for employment when they reach the age of 18, and prior to that only in cases laid down by relevant laws. Under civil law, children aged 14 to 18 are partially eligible for employment. Once they have become eligible for employment children may execute independently and in accordance with their mental and physical development certain legal matters which, in order to have legal force, would normally require their parents' approval. For example, a child aged 16 may write a will or receive and offer a present of great value; a child aged 16 to 18 may at his request and with the approval of the court assessing his physical and mental maturity be united in matrimony even without his parents' approval. On reaching the age of 15 a child may take up employment, i.e. he acquires eligibility for employment under the regulations governing employment, subject to his parents' consent. However, children must not be forced to do work which will exert a pernicious influence on their health, nor may such work assignments be permitted. Children who have reached the age of 15 may take part in the management and disposal of the family's property.

33. In order for a child aged 10 years and over to be given a new first name, and to change the first name of an adopted child, the child's consent is required.

34. Under the provisions of criminal law, no child under 14 may be held criminally responsible. A child aged 14 to 16 (younger minors) may be held criminally responsible provided that the sentence is a corrective measure. Children aged 16 to 18 (older minors) may be given a term of imprisonment in a reformatory, but only under particular terms. Younger adults aged 18 to 21 may be given both corrective measures and a term in prison in a reformatory.

IV. GENERAL PRINCIPLES

35. All children who are in the territory of the Federal Republic of Yugoslavia, regardless of their citizenship, are to be provided for in conformity with the Convention which says that provision shall be made for all

children who are found under the jurisdiction of a signatory State, without any discrimination (art. 2). The proof of this is the fact that a large number of refugee children - some 300,000 - have been living in the Federal Republic of Yugoslavia since 1991. This report will elaborate in more detail on the legal framework and the endeavours by the competent government agencies and institutions to secure to the greatest extent possible the child's best interest (pursuant to art. 3 of the Convention), the right to life, survival and development (pursuant to art. 6) and respect for the child's opinion (pursuant to art. 12).

36. The Federal Republic of Yugoslavia deems it necessary to bring to the attention of the Committee on the Rights of the Child the fact that despite all the efforts being made by the competent organs, services and individuals, the most basic right of the child - the right to life, survival and development - has been dramatically thwarted as a result of the sanctions of the United Nations Security Council which is why Yugoslav children, and particularly refugee children, will for a long time to come be at a disadvantage compared with the children from other signatory countries. It can be foretold with regret even now that Yugoslav children will not have the opportunity to develop the way they would have had the Security Council sanctions not been imposed, and that refugee children in the Federal Republic of Yugoslavia would have found the suffering inflicted upon them easier to bear. Likewise, this report would undoubtedly have been quite different if the opportunity had been given to the Federal Republic of Yugoslavia, upon signing the Convention, to develop children's rights further.

V. CIVIL RIGHTS AND FREEDOMS

37. The human and civil freedoms and rights, established by the Constitution of the Federal Republic of Yugoslavia and the constitutions of the member republics, are universal in nature and also apply to children. Numerous provisions defining individual rights in those acts are completely identical to those laid down by the Convention on the Rights of the Child. This applies to the right to life, the right to maintain identity, including nationality, name and family relations, the right to freely express one's views on all child-related issues, the right to freedom of association and freedom of peaceful assembly, the right to social security, the right to education, the right to enjoy one's culture, practise one's faith and use one's language, the right to special care in case of temporary or permanent loss of family environment, the right to legal counsel and other suitable forms of assistance, the right to human dignity and privacy and other rights.

38. Among the constitutional freedoms and rights which concern the child directly as the holder of rights set down in the Constitution, the following should be stressed: the child's right to health care funded from public revenues (art. 60 of the Federal Republic of Yugoslavia Constitution; art. 57, para. 2, of the Constitution of the Republic of Montenegro and art. 30 of the Constitution of the Republic of Serbia); the parents' duty to look after their children, bring them up and educate them (art. 5, para. 2 of the Constitution of the Republic of Montenegro and art. 29 of the Constitution of the Republic of Serbia); special care for the mother and her child and equal rights and duties for children born in and out of wedlock (art. 61 of the Federal Republic of Yugoslavia Constitution; art. 60 of the Constitution

of the Republic of Montenegro and arts. 28 and 29 of the Constitution of the Republic of Serbia); a ban on child abuse and a ban on employment of children and minors if such work will harm their health and development (art. 61 of the Constitution of the Republic of Montenegro); the right to schooling and compulsory and free elementary education (art. 62 of the Federal Republic of Yugoslavia Constitution; art. 62 of the Constitution of the Republic of Montenegro and art. 32 of the Constitution of the Republic of Serbia).

39. A certain number of rights set down in the Convention on the Rights of the Child (the right to the highest available health standards and treatment facilities; the right to child-care services; the right of the child to know his parents and be looked after by his parents; the right of a disabled child to special care; the right to rest and leisure and participation in cultural life and the arts; the right to be protected against economic exploitation and performance of any task which could pose a risk to a child's physical, mental, moral or social development or impede his education, the right of a child separated from one or both of his parents or maintain regular relations with and to contact both of them) have been regulated in the spirit of the Convention and cover even broader categories thanks to the following regulations: the Law on Health Care; the Law on Social Child Care; the Law on Social Welfare and the Provision of Social Security to Citizens; the Law on Marriage and Family Relations; the Law on Labour Relations; the Criminal Law, etc,. of the Republic of Serbia as well as the Law on Social and Child Care; the Family Law; the Law on Special Education; the Law on Personal Names; the Law on Elementary Schools; the Law on Secondary Schools; the Law on Health Care and Health Insurance; the Law on Labour Relations; the Law on Occupational Safety; the Criminal Law, and others of the Republic of Montenegro.

40. The Constitution of the Federal Republic of Yugoslavia and the constitutions of the member republics also proclaim other human and civil rights which are not covered by the Convention on the Rights of the Child but which improve the child's status, for example the right to compensation for material and non-material damage inflicted through unlawful or improper action by an official in the line of duty, by a State agency or an organization discharging public duties; equal rights for children born both in and out of wedlock; the right to a healthy environment; the right to own real property; and the right to inherit.

A. The child's first name (art. 7)

41. Parents choose a first name for their child by agreement. The child gets the surname of either or both of his parents; however, parents may not give different surnames to their common children. If the parents reach no agreement on a child's first name, the child is given a first name by the guardian agency after hearing both parents on the issue (art. 395 of the Law on Marriage and Family Relations of Serbia (LMFR)).

42. If a parent is deceased or unable to perform his parental duties, or is unknown, the child's first name will be chosen by the other parent.

43. If a child's parents are deceased, or unable to exercise their parental rights or are unknown, the child's first name will be chosen by the guardian agency (art. 396, Law on Marriage and Family Relations of Serbia).

44. A minor who has been given a first name may be given another within two months as of the change in family status through recognition of fatherhood, marriage of his parents, establishment or challenge of fatherhood or motherhood.

45. If a new first name is to be given to a child aged over 10, the child's consent will be required.

46. A statement on a new first name must be filed with the registrar who keeps the relevant birth register for the child or with the register responsible for the place of residence of the author of such a statement (art. 397, Law on Marriage and Family Relations of Serbia).

47. Giving pejorative names, names which are morally offensive or are in conflict with local customs and traditions is prohibited.

48. An adopted child retains his name. On adoption, however, the adopted child may be given a new name, subject to his agreement in cases where he is aged over 10 (art. 399, Law on Marriage and Family Relations of Serbia).

49. The adopted child gets the name of his adoptive parent, unless the adopted child chooses to retain his surname, or adds to his surname the adoptive parent's surname. In cases where the adopted child is aged over 10, his consent is also required before any change of surname can be effected (art. 400, Law on Marriage and Family Relations of Serbia).

50. Upon the cancellation of an adoption contract, the adopted child may take the surname he had prior to adoption. The statement on the taking of an earlier surname is to be given on behalf of the adopted minor by his natural parents or the guardian, subject to the guardian agency's approval.

B. Preservation of identity (art. 8)

51. In the Federal Republic of Yugoslavia a new draft Law on Citizenship of the Federal Republic of Yugoslavia is in the process of being adopted and has been submitted to the Assembly for its consideration. Meanwhile, the Law on Citizenship of the Socialist Federal Republic of Yugoslavia enacted in 1976 is still in force. Under this law, a child acquires Yugoslav citizenship if at the time of his birth both parents were Yugoslav citizens, if at his date of birth one of its parents held Yugoslav citizenship and the child was born in the Federal Republic of Yugoslavia or if the child was born abroad to a Yugoslav citizen and a Stateless person (art. 4).

52. Under the law in force (art. 6) a child will acquire Yugoslav citizenship if born or found in the territory of the Federal Republic of Yugoslavia, of if his parents are unknown/of unknown citizenship/Stateless. The citizenship of the Federal Republic of Yugoslavia held by such a child will be terminated if it is established before the child turns 14 that his parents are foreign nationals.

53. A citizen of the Federal Republic of Yugoslavia may apply, on behalf of an adopted minor, for Yugoslav citizenship by naturalization even without fulfilling any of the special requirements set out in the Law on the Acquisition of Citizenship by Naturalization. However, if the adopted child is aged over 14, his consent shall be required as well.

54. If both parents acquired Yugoslav citizenship by naturalization, then each of their children under 18 will have it as well. If their child is aged 14, his consent, too, will be required for the acquisition of citizenship on these grounds (art. 11).

55. The citizenship of a child under 18 ceases at the request of both parents whose citizenship has ceased with the release from citizenship. Likewise, a child with a permanent residence abroad, and one of whose parents is a foreign national, may, exceptionally, obtain approval for release from citizenship in case it has been placed in the care, is brought up and supported by a parent who is not a foreign national, or if the release from citizenship of such a child is approved by the parent holding Yugoslav citizenship (art. 15). In this case as well, for a citizenship of a child aged over 14 to be terminated, the child's consent will be required.

56. If the parents renounce their Yugoslav citizenship, the Yugoslav citizenship of their child aged under 18 will be terminated subject to the child's consent in cases where the child is over 14 years of age (art. 18).

57. As for a child's nationality to be reported in the population census, it is determined by the parents if their child is aged under 15 and by the child himself after he reaches 15 years of age. This is worth mentioning, considering that the Federal Republic of Yugoslavia is, like the former Socialist Federal Republic of Yugoslavia, a multinational State and that there are many mixed marriages.

58. The present report also highlights a negative phenomenon which often faced children born to citizens of Serbian and Montenegrin nationalities who were living and working in certain European countries. This phenomenon can be regarded as a distinct threat to a child's identity, pursuant to article 8 of the Convention. Namely, the Security Council sanctions have hit such children hard since, under the relevant decisions, the Governments of the States where they are staying (France, Germany) have suspended support for native language instruction, and placed a ban on the import of textbooks and books from the Federal Republic of Yugoslavia. As a result, the children of citizens of the Federal Republic of Yugoslavia working abroad are discriminated against by being placed at a disadvantage, while some are often deprived of basic resources is in contravention of the provisions of the Convention whose signatories include the countries concerned.

C. Children's access to appropriate information (arts. 13 and 17)

59. The purpose of this section of the report is to present, on the basis of available documents, the manner and forms of work of the public information media with respect to the right of children to information contained in the Convention on the Rights of the Child (arts. 13, 17). This will be done by presenting the relevant laws and regulations and through a comparative

analysis of the indicators on the operation of mass media, in particular for the years 1990 and 1992/93, with 1990 as the base period. The indicators were analysed by reference to the operation of the media from the most influential cultural-administrative centres of the Federal Republic of Yugoslavia - Belgrade, Podgorica, Novi Sad and Priština.

60. The regulations in force which govern mass media do not stand in the way of compliance and meeting of the requirements to information set forth in the Convention on the Rights of the Child.

61. The activity of public information is free and the mass media are not subject to censorship. However, the activity of public information may not be designed to violently overthrow the order established by the Constitution, violate the territorial integrity and independence of the Federal Republic of Yugoslavia and/or its member republics or to provoke and incite national, racial and religious intolerance and hatred. Any violation of the mentioned provisions is prohibited and punishable.

62. It falls within the competence of the autonomous provinces to ensure the requisite conditions for public information in the Serbian language and alphabet, in the minority languages, notably Albanian, Hungarian, Bulgarian, Slovak, Romanian, Ruthenian and Turkish, and their respective alphabet, and in the languages and alphabets of other peoples. Thus, in 1993 TV Novi Sad (Autonomous Province of Vojvodina) broadcast 22,952 minutes of school and children's programming in Serbian, and 3,685 minutes in minority languages, i.e. 16.06 per cent.

63. The situation at TV Priština (Autonomous Province of Kosovo and Metohija) has changed in the past few years compared with the previous state of affairs. Currently, there is only one children's desk in the Serbian language which broadcasts 1,061 minutes of programming annually. Employed Albanians have abandoned TV Priština wilfully. None the less, Albanian children are free to follow appropriate programmes in their native language, given that previously filmed or broadcast programmes are being re-run, and particularly: five-minute cartoons broadcast every day; and - once a week - a long cartoon or feature film for children with Albanian subtitles or a film produced by TV Priština, along with programmes on children's festivals held previously throughout Kosovo and Metohija lasting 60 to 90 minutes. There is also a 20-minute programme dedicated to Turkish-speaking children aged from 7 to 14 broadcast once a week. Children's programmes in the Serbian language are of the same duration. These educational programmes are presented in a manner which enables children to learn through play and games.

64. Empirical evidence shows that programmes for children and young people are represented on all public media (television and radio programmes and the press). Broadcasts and topics are tailored to suit the abilities and interests of children in different age groups.

65. The language and alphabets used by the mass media in communications with readers, listeners and viewers are Serbian and the following minority languages and alphabets: Albanian, Hungarian, Bulgarian, Romanian, Ruthenian, Slovak, Turkish and others.

66. Since 1990, there have been no substantial changes in the programming broadcast for children/young people by the mass media. The mass media have managed to maintain versatility of content, ideas, genres and the like in their work. This diversity has been maintained in the existing volume of production, but would undoubtedly have been greater had it not been for considerable cuts in exchanges of international productions. Children in the Federal Republic of Yugoslavia have been deprived of foreign children's magazines, and even of the Donald Duck cartoons! This has ultimately led to the infringement or obstruction of children's and young people's rights to full information laid down in articles 13 and 17 of the Convention.

67. Foreign programming accounts for a considerable share of the total volume of Yugoslav television broadcasts from all its television centres. Since 1992/93 this share has been considerably reduced precisely for the above-mentioned reason stemming from the low/inadequate level of international exchanges, which has led to a reduction in the overall volume of broadcasts. For the same reason, the volume of children's/young people's and school broadcasts has shrunk and the number of different types of broadcasts has fallen. The reduction is not negligible; due to the absence of broadcasts produced abroad, the broadcasting time is shorter by several hours.

68. Apart from the above fact, it is reasonable to assume that school and children's/young people's domestic productions will in the future shrink in size and by type (due to financial constraints, lack of inputs, tapes or cassettes). The only reliable factors in our future work on school and children's/young people's programmes are the enthusiasm and resourcefulness of cultural workers, editorial boards and mass media employees. It seems, however, that despite it all, this will not suffice and that we will fall short of meeting the commitments undertaken in the Convention on the Rights of the Child to the right to information.

69. The data on the substance and volume of school and children's/young people's programming in 1992/93 have been provided in their original form. Generally speaking, these data testify to the maintenance of the structure of school and children's/young people's programmes, their versatility, and the observance of a minority child's right to be educated or entertained in his native language.

70. But, in addition to the usual schedule of school and children's/young people's broadcasts, the television centre in Podgorica features a cycle of documentaries entitled "Mali Veliki" (The Great Small Ones) dealing with current problems and the rights and fate of children - pupils who cover long distances to school on foot, children from reformatory schools, children of poor social standing, refugee children - which are re-run several times on account of their educational value.

71. The mentioned imaginative and resourceful group of television centres also includes TV Novi Sad where, beside the usual school and children's/young people's programmes in Serbian and in the minority languages, work is under way on the already mentioned multimedia venture The Primer of Children's Rights. The main objective is to bring the text of the Convention closer to children, to their language and age, i.e. to make it differ from the legal jargon in which the Convention on the Rights of the Child has been couched and published.

72. Broadcasts for children and young people hold a very stable place in the timetable of Yugoslav radio programming. This report does not deal with the wide variety of available broadcasts offered by local and small newly established radio stations that also produce certain programmes for children.

73. The programming for children and young people is at a level comparable to that of medium-developed European countries. The schedule for radio programmes has been drawn up so as to include 10 programmes for children and young people of which 6 are documentary or informative, 3 are entertainment and 1 is a musical broadcast or a play. The timing of such broadcasts is fixed.

74. Radio broadcasts are listened to by one child out of four in the 10-14 years age group every day. On weekdays this population category spends one to one and a half hours tuned to the radio and much longer over the weekend.

75. Due to the difference in the nature of the media (relative to the attraction of television), the time spent listening to the radio is slowly declining. Children are less and less used to it, and in particular are lacking in any sufficiently developed criteria for selecting what to listen to.

76. It follows from the indicators on the time spent listening to radio programmes that making available radio programmes comparable in length and quality to the European average is not enough. The question of making the contents attractive to particular age groups remains open and under-researched. It is already quite evident that conventional radio programmes are not interesting enough for children in the 10-14 age group.

77. On the other hand, the situation with television is quite different: the 10-14 age group is the most avid television audience.

78. In the 14-18 age group, the time spent listening to radio broadcasts is longer but this is due largely to musical programmes; considerably less time is spent on other broadcasts.

79. It follows from the above observations that the bulk of radio listeners is made up of older adolescents (but only for musical broadcasts) and that the total time spent listening to radio programmes falls considerably short of the time spent watching TV. Thus, despite outstanding radio broadcasts (as also testified to by awards won at home and abroad), for the majority of children or young people these broadcasts are insufficiently interesting or appealing.

80. The publication of children's and young people's newspapers has a long and rich tradition throughout the Federal Republic of Yugoslavia. In the present situation where the total production of such papers has declined, children's/young people's papers have cut their circulation as well. This has been done for quite objective reasons. Newsprint deliveries are rationed on a daily basis. Currently, not even the data on the total number of children's magazines can be obtained, while in the past there were several dozen of them published by the biggest Yugoslav printing houses, Politika and Borba, alone. There has been no break with tradition at Politika, the daily with the largest

circulation, which has continued publishing the special weekly supplement Politika za decu (Politika for Children) with literary works and drawings by children and for children.

81. The Autonomous Province of Vojvodina has taken the initiative and founded a number of magazines in the minority languages:

(a) In Hungarian: Kepes Ijusag (weekly), Jo pajtas (magazine for young people), Mezes Kalasc (magazine for children);

(b) In Slovak: Uzlet (magazine for young people), Zornicka (children's paper);

(c) In Romanian: Tribuna finezetulni (magazine for young people) Bucuria Copilor (children's magazine);

(d) In Ruthenian: Zagradka (magazine for young people), Mak (children's magazine).

82. All magazines published in the minority languages are edited by persons belonging to the minority in whose language the magazine is published. Of course, children's/young people's papers have very reduced circulations.

83. Under the terms of article 17 of the Convention, the children's organization Friends of Serbia's Children has since 1955 awarded a prize called "Neven" (Marigold) - named after the oldest children's magazine in Serbia dating back to the beginning of the twentieth century - to the best book of fiction, the best illustration for a book or children's picture book, to raise public awareness in science and thus promoting creative work dedicated to children.

84. In May 1993 the Council for the Protection of the Rights of the Child, which acts as part of the organization Friends of Serbia's Children, published, in cooperation with the Yugoslav Commission for Cooperation with UNICEF's Belgrade Office, the Code "Children and the Media" as a manual covering the rules to be followed by the media vis-à-vis children. The Code contains explicit references to particular articles of the Convention and makes it incumbent upon the media to give full coverage to the commitments stemming from the Convention, reminding the competent and other actors in the society of children's needs and rights. Accordingly, the Code charts the thrust of action for the media in the following areas: equal treatment of all children; familiarization with the rights of the child (art. 5 of the Convention); free expression of the child (arts. 12, 13, 14 and 17 of the Convention); safeguards to protect the child against all forms of exploitation; assistance to children affected by armed conflicts (art. 38 of the Convention). The Code has also adopted parts of the media codes of individual countries - for example the 1976 Television Code of the United States on responsibility towards children and the 1991 Programme Code of the Independent Television Commission of Great Britain.

85. The Convention on the Rights of the Child, and particularly the part on the right to information, is being enforced subject to available resources in the Federal Republic of Yugoslavia. The reduced volume of overall information

activity is not the result of incompetence or lack of resourcefulness among adults in their attitude to children/young people, nor is it subject to limitations by the State authority. It is a consequence, apart from the economic impact of sanctions, of the isolation of children in the Federal Republic of Yugoslavia and lack of access to information on scientific, technical, cultural and educational progress, and is in direct contravention of articles 13 and 17 of the Convention on the Rights of the Child. Bearing in mind that the Convention has been ratified by 160 countries, this may be a case of global violation of the Convention. It hampers considerably children's and refugee children's education and mental development in the Federal Republic of Yugoslavia and will have long-standing effects on that development.

D. Freedom of thought, conscience and religion (art. 14)

86. As for the exercise and respect for the rights of the child to freedom of thought, conscience and religion, as well as the respect (under para. 2 of art. 14 of the Convention on the Rights of the Child) for the right and duty of parents (or guardians) to advise the child on the exercise of his right "in a manner consistent with the evolving capabilities of the child", under the prescribed law the freedom to express one's religion or convictions is restricted solely in order to protect public safety, order, health or morals or the basic rights and freedoms of others (art. 14, para. 3 of the Convention). It should be pointed out that the overall respect for the rights of the child in the Federal Republic of Yugoslavia must be ineluctably viewed in the specific socio-cultural context and linked to the implementation of the rights of adults, who have reached the age of majority and become responsible persons. It is worth mentioning here that under the Constitution of the Federal Republic of Yugoslavia incitement of racial, national and religious inequality is unconstitutional.

87. The Law on Marriage and Family Relations, in the part governing management of jointly owned property, gives even a minor who has reached the age of 15 the right to participate independently in the management and disposal of common property. The child implements the right to freely express his thoughts as a member of a family community on an equal footing with other members of that community by taking part in their vote on entrusting the management of jointly owned property to a certain number of community members, or may, like any other member, propose that a decision to that effect be overturned. If no agreement is reached with the other members of the family community on the given proposal, a relevant decision will be taken by the competent court in out-of-court proceedings.

88. The Constitution of the Federal Republic of Yugoslavia and its member republics and the laws guarantee the exercise of civil rights and freedoms, but many attitudes and prejudices stand in the way. As for the rights of children, tradition and certain patriarchal attitudes in family relations blend with the adults' new, egalitarian attitude to children, leaving sometimes more and sometimes less scope for the exercise of the right to freedom of thought, conscience and religion. In this context, the attitude to children is the most liberal in larger urban centres, whereas smaller rural communities still maintain the illusion of traditional authoritarian attitudes to young people.

89. In larger and more complex urban communities, as well as in the context of socio-historical developments, the child's right to freedom of conscience and religion has been put to a severe test. Against the present background of complex relations, children are challenged to rely more heavily on their own judgement, conscience and convictions, which may sound paradoxical. Children, like all young people, derive their convictions and values partly from the family, but refine and develop them further in their age group with their peers, thus largely surpassing their parents in their attitude towards new values which are only taking shape, especially in Yugoslav society characterized by constant change.

90. The freedom of confession, guaranteed by the Constitution of the Federal Republic of Yugoslavia encompasses the freedom of belief, practice of religion and performance of religious rites. In addition, the Constitution permits the founding of religious schools and charitable organizations by religious communities. Accordingly, certain steps are being taken to make school curricula more responsive to religious tradition and religious holidays in the course of the school year, so that children need not attend school on religious holidays depending on their confessional affiliation.

91. Mass media, and particularly television and radio, have introduced certain educational-religious broadcasts in their programmes. They feature Church dignitaries on religious holidays like Christmas and Easter, both Orthodox and Catholic, on Bayram and others.

E. Freedom of association and of peaceful assembly (art. 15)

92. The Constitution of the Federal Republic of Yugoslavia and the constitutions of the member republics guarantee freedom of association and peaceful assembly, subject to no previous approval. Any assembly, however, must be reported to the competent authority of the commune in which the gathering is planned to take place (art. 40 of the Constitution of the Federal Republic of Yugoslavia, art. 43 of the Constitution of the Republic of Serbia and art. 39 of the Constitution of the Republic of Montenegro). All these acts contain provisions which may, pursuant to article 15 of the Convention, temporarily restrict the freedom of assembly and other peaceful gatherings by a decision of a competent authority in order to preclude any threat to human health and morality or to ensure the safety of people and property.

F. Protection of privacy (art. 16)

93. The Constitution of the Federal Republic of Yugoslavia, like the constitutions of its member republics, contains guarantees on the respect for civil freedoms and rights which, in keeping with their universal nature, apply to children as well. Thus, the Constitution of the Federal Republic of Yugoslavia guarantees the inviolability of one's home (art. 31); inviolability of correspondence and other means of communication (art. 32); protection of personal data (art. 30); respect for the human personality and dignity in criminal and any other proceedings (art. 24). A draft law on protection of personal data, which lays down procedures and measures designed to prevent illegal and unfounded encroachment on a person's integrity, one's private and

family life is in the process of being adopted. The objective of this arrangement is to secure the right to privacy, as explicitly stipulated in article 1 of the mentioned draft law.

G. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

94. The right regulated by this article of the Convention is guaranteed in the Federal Republic of Yugoslavia under its Constitution (art. 25), under the constitutions of its member republics, as well as by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Yugoslavia has ratified. Apart from the provisions forming part of the other two constitutions regarding the length of detention of a person suspected of a criminal offence (no longer than three months as of the first day of detention, which can be extended by another three months by decision of a higher-instance court), the Constitution of the Republic of Montenegro limits detention for minors to 60 days.

95. Under the 1992 Constitution of the Federal Republic of Yugoslavia, the death sentence cannot be prescribed for criminal offences stipulated in federal law (art. 21). Accordingly, under the latest amendments to the Criminal Law of the Federal Republic of Yugoslavia, capital punishment has been excluded from federal criminal legislation.

96. The death sentence is stipulated in the criminal laws of the member republics of the Federal Republic of Yugoslavia and is pronounced for the worst crimes against life and limb and for property fraud. Under the republican criminal legislation, minors cannot be subjected to capital punishment.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

97. The relevant provisions of the Constitution of the Federal Republic of Yugoslavia and the constitutions of the member republics, as well as the laws and regulations governing this field, proceed exclusively from the child's interests and regulate the status of children in the society and the commitments of the community and parents vis-à-vis children. Accordingly, the community creates the social, cultural, educational, material and other preconditions enabling children to implement their right to a decent lifestyle, whereas parents secure for the child the right to full and harmonious development of his personality. The republics allocate funds from their budgets for the financing of the rights of common interest in the field of child care. This means that it is a joint commitment of the State and the family to provide care for each child, both the healthy and the feeble one, the physically and mentally disabled, the socially neglected and to the parentless child or one deprived of parental care.

98. The system of social child care, which was constituted in the 1970s, was redefined in the Republic of Serbia in 1992 following the adoption of the new Law on Social Care of Children.

99. The Law on Social Care of Children lays down the rights of parents and children and the organized activities and work designed to secure the main

prerequisites for the approximate equalization of the levels to which developmental needs of children are met, assistance to families in the pursuit of their reproductive, protective, educational and economic functions, pre-school education and training, rest and leisure of children, assistance to handicapped children and special care for the third child provided to families with three children.

100. Proceeding from the above-mentioned general considerations, the social child-care system provides for the exercise of maternity rights; the right to a child allowance; the right to reimbursement of day-care expenses of a pre-school institution for the third and any subsequent child in communes or parts of communes (local communities) with negative birth rates; pre-school education and training for children lacking parental care, handicapped children and children hospitalized for long periods; instruction under a pre-school curriculum to be covered in 240 sessions; day care, pre-school education and training and preventive health care for pre-school children; day care for children attending primary school up to the age of 10; rest and leisure for children under 10 at children's holiday homes and partial reimbursement of day-care expenses for children attending pre-school institutions; and holidays and recreation. The provision of the listed benefits are taken care of by the republics and communes.

101. The Republic of Montenegro has also redefined the earlier system of child care along similar organizational lines and introduced relevant data management infrastructure.

A. Parental responsibilities (art. 18, paras. 1-2)

102. Support of children is regulated by the Law on Marriage and Family (in the Republic of Serbia) and by the Family Law (in the Republic of Montenegro). Under the terms of the mentioned regulations, parents are required to support their children under the statutory age limit, to educate them and even, if the child fails to complete his schooling before reaching the statutory age, to support him, conditions permitting, until he terminates his education at an appropriate school or faculty and until he reaches the age of 26 at the earliest. The stepfather and stepmother are also required to support their under-age offspring in case the latter have no living relatives or in case they cannot afford it on their own.

103. For its part, the State provides assistance to parents or legal guardians in bringing the child up, primarily by assuring appropriate family benefits, monetary support toward their upkeep, and so on.

Maternity benefits

104. The length of maternity leave is regulated by the Law on Labour Relations, and the maternity benefit to young working mothers is provided by the social child-care system. The regulations on how to determined the length of maternity leave and the rate of benefit are geared to the pursuit of demographic goals. Maternity leave lasts 12 months for the first and the second child, 24 months for the third and 9 months for the fourth and every additional child. The mother is entitled to a prolonged maternity leave lasting until her child reaches the age of five if the child is seriously

physically or mentally disabled. Under a new entitlement, an adoptive parent may remain absent from work for 470 days to care for his adopted child if the child is under five years of age.

105. The benefit to employed young mothers for the first, second and third child is equal to their salary and amounts to 80 per cent of that salary for the fourth and every additional child. Communes with negative natural increment rates provide compensation for lost pay on account of the fourth child in the amount of 100 per cent of the young mother's salary.

106. The full amount of the benefit thus defined is payable to a young mother provided that she has completed at least six months of uninterrupted work prior to claiming this right. Young mothers who were employed for an uninterrupted period of up to three months prior to the use of this right are entitled to 30 per cent of the full amount of this benefit. The compensation following an uninterrupted period of service lasting more than three and less than six months is 60 per cent of the full amount.

107. As a measure of demographic policy, a right to the so-called maternity allowance has been established for all unemployed young mothers. The rate of the maternity allowance is 20 per cent of the minimum monthly net salary for the month in which the payment is made. This entitlement is available for the first three children and also for the fourth child in the communes or parts of communes (local communities) with a negative natural increment rate. The number of beneficiaries was 51,470 (1993).

108. In conformity with the Law on Refugees and the Decision on Providing for Refugees, refugee mothers with children aged under one are provided as of 1 April 1992 with a cash allowance amounting to 15 per cent of the minimum net salary for the month in which payment is made.

109. Alongside the above-mentioned entitlements, every mother is also entitled to a lump sum for the purchase of baby accessories amounting to a minimum monthly net salary. This right is used with the first three children, as well as with the fourth child in communes with a negative natural increment rate.

110. In the Republic of Serbia the child benefit, as a time-tested and traditional method of family support, has taken on a demographic dimension, because under specific material terms it may be claimed for the first three children in the family and is provided to families with three children irrespective of their material status. In communes, or parts of communes (communities) with a negative natural increment rate, the status of the third child is extended to any additional children as well. This provision, apart from undoubtedly having the nature of a social welfare measure, also reflects the State's appeal to bring childbirth within "civilized" norms, as a prerequisite for the civilized development of the society. The eligibility limit has been set as a percentage of the salary average for the enterprise sector in the commune concerned and the rates given as percentages of the minimum net salary. This has made the mentioned right recognizable in advance, stable and constant in terms of its real value.

111. Under the Law on Social Welfare and Provision of Social Security to Citizens, persons receiving financial support are also entitled to a child allowance.

112. Regardless of their material status, the right to a child allowance is also given to handicapped children.

113. Children deprived of parental care, children of one-parent families and disabled children obtain a higher rate of financial support (20 per cent higher).

114. The amounts of child allowance have been fixed as the following percentages of the minimum monthly net alary for the month in which payment is made: 10 per cent for the first child, 15 per cent for the second child and 20 per cent for the third child.

115. The above-mentioned amounts are 30 per cent higher for children deprived of parental care and children born to one-parent families.

116. The child allowance is collected by 184,221 families and 331,599 children (all the above-mentioned figures pertain to the Republic of Serbia).

117. Despite the fact that the rates of child allowances are adjusted on a monthly basis, inflation and the rise in the cost of living over a prolonged period preceding the launching of the Economic Recovery Programme on 24 January 1994 and the new and stable dinar had undermined their real value so that they were insufficient even to cover the basic needs of children in terms of staple foods and other supplies.

118. The new Law on Social and Child Care in Montenegro has placed expectant and nursing mothers in a much more favourable position owing to the fact that the rate of compensation for maternity leave is now determined relative to the pay which the young mother would receive at her place of work. Unemployed mothers are entitled to a monetary compensation over a period of 270 days as of the date of childbirth which equals 40 per cent of the lowest salary in the Republic earned in the month in which payment is effected.

119. The entitlement to baby accessories used by all newborns in Montenegro and equals the lowest monthly salary earned in the month of the child's birth. In 1993 this right was used by around 4,000 children.

120. Extended maternity leave is a right in cases where it is established, before the child reaches three that it is physically and mentally disabled or at risk.

121. The right to work half of the full working hours is a form of social care for children exercised by parents who have a child with psycho-physical impairments which require parents to spend more time with their child.

122. Children's allowance as the most common form of child care in the Republic of Montenegro was provided until November 1993 to families with the lowest incomes under specific conditions. The amount of the children's allowance depends on the family income, age of the child, level of education

and psycho-physical status of the child. The first three children in a family have a right to receive a children's allowance. In October 1993 there were 20,951 beneficiaries of children's allowances, namely, 48,969 children in Montenegro.

123. Parentless children, one-parent and handicapped children attending special education schools had a 50 per cent higher allowance depending on the census group they belong to.

124. With the adoption of the new Law on Social and Child Care in November 1993, all children up to the age of 18 have a right to children's allowance regardless of their social status. The amount of the children's allowance depends on the age of the child, level of education and psycho-physical status, and is established in a monthly rate proportionate to the lowest salary in the Republic in the month the allowance is paid.

(a) For pre-school children - 10 per cent;

(b) For elementary school children - 17 per cent;

(c) For secondary school children - 25 per cent;

(d) For parentless children, one-parent children, children of social security beneficiaries and children with mild handicaps attending special education schools - 30 per cent;

(e) For psycho-physically handicapped children who cannot attend special education schools - 40 per cent.

125. Although not much time has elapsed since the enactment of the law, up to now 99,000 children have exercised the right to this allowance.

126. Social security services are undertaking significant measures for addressing family problems and keeping families together, protecting the rights and interests of children within them. The protection of children from broken families consists of the professional evaluation that one of the parents will take better and more appropriate care of the child. Social welfare centres decide who is to take care of the child when the parents cease to live together or when the child is from an extramarital relationship. Multidisciplinary teams of experts (lawyers, sociologists, pedagogues, psychologists, doctors, special education teachers) in social welfare centres in the members republics provide social welfare services to children and the family.

127. When decisions are brought regarding child care, the same treatment is awarded to children born in wedlock and those born out of wedlock. In the organization of child care the point of departure is the right of the child to physical, mental and emotional development corresponding to its needs and the right of the child to unhindered contact with both parents.

B. Separation from parents (art. 9)

128. As mentioned in the introductory part of the report, on the basis of the Law on the Ratification of the Convention, a reservation has been lodged in respect to article 9, paragraph 1, of the Convention. This was primarily due to the existing practice in Yugoslavia, which has proven to be correct, that guardianship bodies are authorized to decide on the separation of children from their parents against their will and on their accommodation in corresponding social welfare institutions when that is in the interest of the child.

129. In other words, by putting a reservation on article 9, paragraph 1, of the Convention, which stipulates exclusive court competence in cases of separation of children from their parents against their will, the competence of the guardianship bodies in such cases has been provided.

130. In cases concerning the execution of parental rights when no agreement between the parents exists, the competence of the court has not been excluded but, rather, it has been provided that guardianship bodies can take decisions on the exercise of parental rights within their competence. These and all other decisions brought in administrative proceedings, according to domestic laws, are subject to judicial control. It is possible to examine the legality of all decisions regarding the exercise of these rights in legal proceedings.

131. According to the regulations in force in the member republics, the guardianship body shall exercise control over the realization of parental rights, namely, it shall undertake necessary measures for the protection of personal and property rights and of the interests of minors. The law has envisaged a large number of bodies, organizations and communities (from legislative bodies to local communities and educational institutions) to individual citizens who are obliged to inform guardianship bodies as soon as they find out that a parent is not in a position to execute parental rights in regard to one or all of the children. In case it assesses that a serious threat exists for the normal development of the child, the guardianship body may take the child away from the parents and entrust it to another person or organization for care and upbringing. This shall not preclude all other rights or responsibilities of parents towards their children.

132. Parents who abuse their parental rights or grossly neglect their parental duties shall be deprived, according to the Law, of their parental rights, in respect of all children or only one child. The decision on the deprivation of parental rights shall be brought by a court in out-of-court proceedings, with the prior agreement of the guardianship authorities. Parental rights can be given back to the parents on the basis of a court ruling when the reasons for deprivation have ceased to exist. A proposal for returning parental rights can be submitted either by the parent or the custodial authority.

C. Recovery of maintenance for the child (art. 27, para. 4)

133. The Laws of the member republics stipulate the responsibility of the parents to provide for the child as well as the procedures and conditions for determining the amount of the maintenance. In a maintenance lawsuit the court establishes the overall amount taking into consideration the age of the child

as well as the child's needs with respect to education, on the one hand, and the overall income and actual possibility of the parent who is to pay the maintenance to earn money, on the other. The competent guardianship authorities shall keep records on supported children and on the parents who are obliged to pay maintenance, and undertake measures with a view to the parents reaching an agreement out of court. If the parent fails to meet this obligation on a regular basis, the competent guardianship authorities shall, on the proposal of the other parent or in an official capacity, undertake measures to provide the child with temporary maintenance in line with the regulations on social and child care until the parents begin to fulfil their obligation.

134. In practice drawbacks in the implementation of the right to maintenance for children from broken families have been observed. The provisions of republican laws on marriage and family relations pertaining to maintenance have been formulated according to well-established solutions in comparative law for this matter, but have proved to be inadequate, particularly in conditions of hyper-inflation. According to the provisions in force until recently, the maintenance amount was increased each year by the percentage of increase of the cost of living in the previous year. This solution has been changed so that at present the amount of the maintenance is determined as a percentage of the parent's income who is to pay alimony.

135. The sanctions imposed on the Federal Republic of Yugoslavia caused problems in the implementation of the Convention sur la loi applicable aux obligations alimentaires envers les enfants (1956) which Yugoslavia ratified, although that field is not included in the Security Council resolution pertaining to Yugoslavia. According to a broader, unilateral interpretation of the resolution on the part of the member States, the transfer of money for this purpose has been made impossible, thus violating the rights of children in the territory of the Federal Republic of Yugoslavia who receive maintenance from their family members abroad, as well as the rights of children living abroad who receive maintenance from family members from Yugoslavia. Considering that the Federal Republic of Yugoslavia is a migration country, the rights of children living in the Federal Republic of Yugoslavia who are the receivers of maintenance are thereby even more threatened.

136. Social security agencies are exerting efforts to help each child realize his right to maintenance from a parent living outside the territory of the country.

137. Certain problems have been observed in the application of the Convention on the Rights of the Child, since the competent bodies from the regions of the former Yugoslav republics, now independent States, do not respect the rulings on maintenance for children living in the territory of the Federal Republic of Yugoslavia.

138. The application of the Convention for the recovery of maintenance abroad provides for much speedier payment of maintenance than regular court proceedings.

139. As far as the implementation of such arrangements is concerned, the greatest number is with Austria, the Czech Republic, Slovakia and Sweden.

D. Children deprived of family environment (art. 20)

140. According to the legal regulations in force, children deprived of a family environment (children whose parents are not alive, children whose parents are unknown or have disappeared as well as children whose parents are not, for any reason, carrying out their parental rights and duties) are provided special social care.

141. The basic forms of family and legal protection of this category of children include: protective custody, adoption, foster placement or placement in a social institution, assistance with money, etc. The form of protection which is provided depends on the results of a comprehensive examination of each individual case, taking into consideration what is most suitable for the child.

142. Activities connected with guardianship are carried out by social care centres (mentioned in para. 126), which as a rule exist in all the communes; where they do not exist, these activities are carried out by the communal administrative bodies in charge of social care. The law stipulates in detail the conditions required for establishing guardianship relations, the obligations of the guardian towards the ward and the guardianship authority. Accordingly, the guardian shall submit at the beginning of each calendar year a report to the social security centre on its work in the previous year. The social security centre may also request such a report from the guardian in the course of the year. The report should contain details of the conditions of accommodation of the ward, his/her health, upbringing and educational problems, issues linked to the proper status of the ward, etc.

143. Control of the work of the social security centre, in connection with the protection of the rights of the child shall be carried out by the competent republican ministries in charge of social security issues. The control is aimed at not only providing compliance with the standards that apply to child rights, but the application of modern methods in the treatment of children. In order to carry out this goal, considerable attention has been devoted to the education of professionals working with children.

144. The law stipulates foster placement as a form of family-legal protection of children deprived of family environment. If the child who is being placed in a foster family has both or one parent, their consent is required and is valid for as long as the circumstances exist owing to which this form of child protection has been applied. The law likewise stipulates that foster placement is arranged in families which can carry out parental duties in an appropriate manner, especially in respect to their adequate care, upbringing, education and possibilities of making them capable of leading an independent life, preferably in a family with not more than three minors.

145. The social security centre as the supervisory body shall carry out control over this form of child care and check whether the treatment is in line with the provisions of the law, and if not, indicate the observed shortages.

146. In 1992, 4,177 children were under guardianship in the Federal Republic of Yugoslavia. In 19 institutions for the accommodation of children deprived

of parental care, 6,294 children were accommodated. Children under guardianship who have not been placed in social institutions are placed with relatives.

E. Adoption (art. 21)

147. Adoption is the most adequate form of protection for children deprived of parental care. This form is applied respecting the parental rights of those whose children are being adopted, in all cases in which it is possible to ensure their participation in the proceedings.

148. The provisions of the Convention which apply to inter-country adoption are identical to Yugoslav legislation. Inter-country adoption is treated as a rare exception, applied only in cases when it is not possible to provide for adoption of the child by Yugoslav nationals or some other adequate form of protection on the territory of the Federal Republic of Yugoslavia. In other words, consent for inter-country adoption is given only in cases when adequate foster parents cannot be found in the national environment for children deprived of parental care. In these cases too, priority is given to mixed couples (one of them being a national of the Federal Republic of Yugoslavia).

149. The republican Ministries for Labour and Social Affairs are authorized on the basis of the laws on marriage and family relations to give their consent for the adoption of minor citizens of the respective republic by foreign nationals. Therefore, the Ministries are authorized to inform the citizens concerned of the possibilities, conditions and procedures for adoption of a minor of Yugoslav nationality whose residence is in the territory of Serbia or Montenegro by a foreign national; to accept the application of foreigners interested in adopting; to establish the validity of the submitted evidence on their eligibility for adoption from the standpoint of international contracts and regulations; to assess whether additional verification is required in regard to the social and psychological profiles of the potential adoptive parents; to carry out, in cooperation with the competent guardianship authority and institution in which the child deprived of parental care is accommodated, the selection of the specific foreign couple for the child in question for which an adequate adoptive family cannot be found in the country of origin.

150. It should be emphasized that a great interest exists in the Federal Republic of Yugoslavia for the adoption of abandoned children, so that the number of those who are waiting to adopt a child is much greater than the number of children. Considering that as of late foreign nationals are applying to adopt war orphans, we have to point out that in line with the Geneva Convention relative to the Protection of Civilian Persons in Time of War (ratified in 1949) it is prohibited to change the personal status of those children, including by way of adoption. In that connection war orphans who have in the territory of the Federal Republic of Yugoslavia the status of refugees are provided adequate protection until their parents or other members of their family are found.

151. In 1992 in the Federal Republic of Yugoslavia 482 children were adopted, 474 by Yugoslav citizens and 8 children by foreign nationals.

152. Not one application for adoption of refugee children, either by Yugoslav or foreign nationals, has been approved.

153. Recently a new phenomenon has been observed, namely the mediation of lawyers and some "non-governmental organizations" in cases of inter-country adoption, whose activities in most cases can be reduced to attempts to find a specific child for a couple (foreigners) outside the regular procedures and criteria established for inter-country adoption. Often foreigners interested in adoption are misinformed by these mediators. Therefore, the engagement of lawyers in the above-mentioned sense is not allowed (in line with art. 21 (d) of the Convention). Foreigners who wish to adopt a child may engage only an authorized court interpreter who has to be present during the act of adoption, and if necessary interpret at the other stages of the adoption procedure.

F. Illicit transfer and non-return (art. 11)

154. The post-war period was characterized, among other things, by mass migration movements of the population from the underdeveloped regions of eastern and southern Europe and Asia and Africa to the developed West European and transoceanic countries. The result of these movements are numerous nationally mixed marriages.

155. For many years Yugoslavia was a typical emigration country, so that a considerable number of Yugoslav nationals married foreigners in the countries of immigration. Many of these marriages fell apart. Many nationally homogeneous marriages also fell apart due to the varied levels of adjustment to life in new conditions, as well as other reasons which require further analysis.

156. Dissolution of such marriages and giving custody of the children to one of the parents and to the other parent the right to maintain contact with the child have been dealt with by the courts. Many foreign parents, dissatisfied with the court decisions, frequently transfer their children illegally to their country of origin, seeking there the protection of their rights in court.

157. The frequency of such cases certainly had an influence on the decision of the international community to adopt the Hague Convention on Civil Aspects of International Child Abduction. The former Socialist Federal Republic of Yugoslavia ratified the Convention in 1991.

158. Yugoslav legislation had provided measures for the prevention of such cases even before the adoption of the Convention.

159. The taking away of children from the other parent in violation of a court ruling on the custody of the children in accordance with the criminal legislation in both republics of the Yugoslav Federation is considered a criminal act against marriage and the family. The Socialist Federal Republic of Yugoslavia adopted in 1982 a separate law to address the discrepancies between national law and the regulations of other States. Article 87 of this law recognizes the validity of decisions on the basis of the law of the country in which they have been brought.

160. Within the framework of international cooperation, through the International Social Service in Geneva and its national branches and correspondents, assistance was also rendered to numerous foreign nationals whose children have been taken away from them in this manner and brought to Yugoslavia, with a view to establishing contact with the children and competent authorities and in other ways.

161. It has been observed in the implementation of this form of international cooperation that in many cases when decisions were brought regarding children who are Yugoslav nationals, national social services and courts did not cooperate adequately with the competent Yugoslav services, as a result of which it appeared that the latter were overly concerned with protecting the interests of their nationals when bringing decisions, notably with the interests of the parent who remained living on their territory. Such cases have been observed in some decisions of competent Yugoslav authorities in relation to foreign nationals.

162. In order to avoid such cases, it is necessary to implement the provisions of article 11, paragraph 2, of the Convention on the conclusion of bilateral agreements on cooperation in these matters. As far as the Federal Republic of Yugoslavia is concerned, such agreements should be concluded with those States in which there are many Yugoslavs and in which international abduction of children is most frequent. However, to date, no such agreement has been concluded with any State.

G. Abuse and neglect (art. 19)

163. Historically speaking, abuse and neglect of children in this environment were linked with the overstepping of parental authority in the upbringing and disciplining of children. As far back as the nineteenth century, the use of "moderate home punishment" was permitted in the Serbian Civil Code. However, the overstepping of this right and the abuse of children (and women), the neglecting of their upbringing or "encouragement to lead an immoral life" were defined as criminal acts in Serbia, namely in its Criminal Code of 1860, and in Montenegro from 1906.

164. The existing criminal legislation of both member republics provides for stricter sanctions if as a consequence the health of the children has been impaired or if a minor begins to perpetrate criminal acts, or to engage in prostitution, or begins to abuse alcohol or drugs.

165. Although the current theory in the Federal Republic of Yugoslavia rejects physical punishment as an educational and disciplinary measure, court practice indicates that physical punishment in itself is not sufficiently taken into consideration as a reason for imposing criminal sanctions, except in cases when the consequences are visible. This is interpreted above all by the fact that the family is still a closed social group and that it is very difficult to prove the guilt of any of its members.

166. The isolation of the family and the difficulty of providing evidence, especially in cases of forms of mental abuse, are probably the main reasons for the relatively long period of children's abuse before its discovery. The research carried out indicates that 62 per cent of the cases of child abuse

were discovered six months after it had begun, in 36.6 per cent of the cases a year later, and in as many as 15 per cent of the cases two years later.

167. Family legal and social protection offers greater possibilities for preventing the abuse and neglect of minors. Family legislation in the republics (the Law on Marriage and Family Relations in Serbia and the Law on Guardianship in Montenegro) provide for the possibility of taking children away from their parents and placing them to be cared for with another person or social care institution when it is established that such serious indications exist that their upbringing has been threatened. Likewise, the possibility of taking away parental rights in relation to one or all of the children exists in cases of abuse or grave neglect of parental duties.

168. Within the framework of the social security system the possibility of intervening in cases when the development of the child is jeopardized by family relations is provided for.

H. Periodic review of placement (art. 25)

169. See paragraphs 142 and 145.

VII. PRIMARY HEALTH AND SOCIAL CARE

170. The Constitution of the Federal Republic of Yugoslavia and the constitutions of the member republics, as well as specific laws on health care and health insurance, provide for complete health care to all children up to the age of 15 and schoolchildren and university students until the completion of their regular schooling, and at the latest until they reach the age of 26, under the same conditions and with the same rights regardless of national, religious or other affiliations.

A. Child health care (art. 6, paras. 2 and 24)

171. Health insurance for women and children in Yugoslavia has a long tradition and is among the more positive things inherited from the past period. Almost immediately after the Second World War, a team of epidemiologists formulated the so-called "compulsory minimum" of health care for women, children and youth, as a series of measures and actions guaranteed by the State, in order to eliminate the risk of mass illness and death. Programmes implemented in cooperation with UNICEF were established at that time, such as: establishment of mother and child health centres, engagement of volunteers, accelerated education of health workers, social paediatrics and social gynaecology courses, provision of basic medical instruments and sanitary material, as well as programmes of rural water supply systems and cleaning up of rural settlements, school kitchen programmes, etc.

172. The establishment of mother and child centres marked the initial and transitional stages in the formation of modern health centres and are the basic institutions for family health care which now covers the entire territory of the country.

173. Health legislation developed to a large degree on the basis of the minimum health care concept and the application of epidemiological criteria.

The former was replaced in 1971 by the so-called "compulsory forms of health care" which were formulated as a doctrine in the field of mother and child health care. Compulsory forms of health care include in the first place measures of primary and secondary prevention in the health care of women, children and youth aimed at preventing diseases and their consequences through measures of primary health care. They include tertiary measures of prevention within the framework of the hospital treatment of children, as well as provision of hospital health care in connection with pregnancy and childbirth.

174. Yugoslav legislation provides as a child's right the highest level of health care, and until the introduction of the Security Council sanctions this right was largely realized in practice. According to the Constitution of the Federal Republic of Yugoslavia, children and pregnant women have the right to health care out of public funds, while the family mother and child enjoy special protection.

175. Almost the entire population is covered by health care and it is all but free of charge. According to the 1991 census, the Federal Republic of Yugoslavia has a population of 10,391,659 to whom health services were rendered by the following:

Total number of staff in health services	131,061
Number of health workers	92,000
Number of physicians	21,000
Number of dentists	4,478
Number of health workers with post-secondary, secondary and lower level education	2,479

176. Today, there are 191 health centres in Yugoslavia, 23 medical centres (with out-patient departments in settlements and enterprises), 29 specialized prevention institutions/institutes for health care, 95 hospitals and clinics (with over 60,000 beds) and numerous other health institutions, centres and institutes.

177. Owing to such health care facilities, the Federal Republic of Yugoslavia provided modern diagnostics, treatment and rehabilitation services and implemented with success national programmes for the promotion of health care and quality of life (WHO programme "Health For All by the Year 2000" highlighted health care aspects in programmes linked to the World Population Year, International Women's Year, International Year of the Child, International Year for Disabled Persons, etc.).

178. The global orientation of the health policy gave evident results, especially in regard to decreasing the overall and specific morbidity and mortality rates (continued decrease of infant and maternal mortality as well as an overall drop in the mortality and morbidity rates caused by all contagious diseases, including eradication of certain contagious diseases, decreasing certain forms of disability, etc.).

179. Family planning has been accepted as man's constitutional right to freely decide on giving birth to children, making society liable to organize services

and activities for the implementation of that right. Regular school programmes contain elements of sexual education, and pre-marital and marital guidance is organized outside of schools.

180. Primary health care of women linked to family planning provides health services free of charge - visits to guidance clinics as well as health services during pregnancy, during childbirth and after. Unfortunately, contraception guidance centres are not used sufficiently, so that abortions remain the most widely used means of family planning. Abortions are legal, the procedure simplified so that the largest number of abortions is carried out in specialized health institutions.

181. Networks and personnel in mother and child health care services are organized in line with primary health care principles. Although the covering of the entire territory of the country with children's and school medical centres has been envisaged, due to the unequal level of economic and socio-cultural development among the various regions in the Federal Republic of Yugoslavia, problems exist in the widespread application of valid standards. The network of medical institutions is not sufficiently developed, for example, in the rural regions of the Socialist Republic of Yugoslavia.

182. Accordingly, the total number of specialists in health care centres for pre-school and schoolchildren has increased, and the agreed optimal standard of one expert team per 1,000 pre-school children (one doctor and two nurses) has been achieved in parts of the Federal Republic of Yugoslavia.

183. In health care centres for schoolchildren, the planned standard of one professional team per 1,800 children and youth from the ages of 7-19 has not been achieved to the full, especially in the rural areas.

184. The mentioned network of health centres for pre-school and schoolchildren in the Republic of Serbia (no data available for Montenegro) and corresponding health staff have the basic duty to:

(a) Conduct routine check-ups of new-born infants and babies in medical guidance services within health centres (98.5 per cent of those children);

(b) Conduct routine check-ups of children 2-4 years of age (93.2 per cent of those children);

(c) Conduct routine check-ups of pre-school children (94.2 per cent of those children);

(d) Conduct routine dental check-ups in health centres or school health centres, where they still exist (76.7 per cent of those children);

(e) Offer an increased number of health-educational services to children and parents;

(f) Organize home visits for new-born infants;

(g) Offer regular medical treatment and rehabilitation of sick children.

185. The data pertaining to the implementation of primary health care in Belgrade, the capital of the Federal Republic of Yugoslavia, the city with the most comprehensive network of health facilities and health services of the highest quality, indicate that in conditions of sanctions, conditions in numerous segments of child health care have deteriorated. For example, according to the registered morbidity rates in children's health centres, respiratory diseases are still the most frequent illnesses; however, in 1993 diseases of the nervous system climbed to second place. Neurological disorders in children have increased two and a half times in 1993. The results of routine medical check-ups in 1993 indicate, among other things, the growth of scabies (97 cases - which is seven times higher than in 1989), pediculosis, scrofula, herpes simplex and herpes zoster. Likewise, the results of routine medical check-ups indicate that the number of well-nourished children is approximately at the same level of about 83 per cent, but that the number of undernourished children has dramatically increased from 5.6 to 8.4 per cent, i.e. from 6,405 to 9,856 schoolchildren. Among elementary schoolchildren the number of undernourished is much larger than among high school students: the former doubled, from 4.7 per cent in 1989 to 9.4 per cent in 1993. Due to the lack of laboratory reagents in 1993 the number of haemoglobin analyses carried out was three times lower than in the previous period.

186. In 1989, 17,479 pupils had haemoglobin tests while in 1993 only 5,224 were covered due to the shortage of reagents. Considering that haemoglobin values represent one of the most important parameters of health potentials, quality of nutrition and lifestyle of children, the decline in the percentage of pupils with haemoglobin values over 130 gr/l from 42.3 per cent in 1989 to 13.8 per cent in 1993 and the large increase in the number of pupils with haemoglobin values under 100 gr/l from 8.3 per cent in 1989 to 19.5 per cent in 1993 speak of a considerable decrease in children's health potentials.

187. The introduction of sanctions by the Security Council and their consequences have had an adverse effect on the health status of the population and especially children, expectant mothers and women as the most vulnerable groups. In spite of the relatively short period for the registration of changes, facts indicate that children are jeopardized from their very birth. Due to acute and chronic stress the immunological defence mechanisms and reaction capabilities have weakened, causing mass illness. Psychological pressure, tensions in the family, the feeling of hopelessness and disorientation have a negative effect on the emotional stability of children. Inadequate nutrition, both with respect to quality as well as quantity, and the lack of products for hygiene also affect children's health.

188. According to the data of the Federal Statistics Bureau obtained on the basis of a Survey of Household Consumption, a fall in the consumption of all types of foodstuffs, except foodgrains, was registered in 1992. A dramatic decrease in the consumption of meat, milk and milk products, fresh fruit and vegetables has been registered. The consumption of milk in 1992 as compared with 1988 decreased by 24 per cent, meat by 23 per cent, vegetables by 36 per cent and fruit by 46 per cent. Surveys of family nutrition in the period 1991-1992 indicate that the energetic value in this period fell below the physiological needs limit. In a study carried out in the city of Subotica (Autonomous Province of Vojvodina) about 15 per cent of families had a serious

iron deficiency, calcium deficiency was registered in 41 per cent, and magnesium in as many as 60 per cent of the cases. A vitamin A deficiency was registered in 31 per cent of the families and bedoxine (B6) deficiency in as many as 85 per cent of families.

189. The most critical period in which the standard of living and buying power of the population fell in the Federal Republic of Yugoslavia was in the second half of 1993, and it resulted in serious nutrition problems. Therefore, according to investigations carried out in pre-school institutions in Novi Sad (the capital of the Autonomous Province of Vojvodina) and Niš (one of the regional centres in Serbia), a serious nutrition deficiency has been observed. In that period the energy value of a meal was 25 per cent below the recommended standards for 1 to 3-year-olds, while the daily meals of older children lacked as much as 40 per cent of the energy values. Experts are united in their assessments that the nutrition protein deficit will affect the future generations of children.

190. The Security Council sanctions severely affected the implementation of dental protection of all sectors of the population, children and the aged being affected most.

191. The accessibility, coverage and content of dental protection have decreased considerably owing to the closing down of specific treatment points, especially school clinics, and the laying off of many dentists because of worn-out equipment and shortages of basic dental material and medicines. In 1993, in the Federal Republic of Yugoslavia 23 school dental clinics were closed down, while the remaining work with great difficulty.

192. There has been a dramatic fall in the treatment of orthodontic irregularities (nearly 50 per cent) and caries (40 per cent fewer fillings).

193. The Security Council sanctions are directly threatening the realization of the oral health objectives, established in line with WHO recommendations, and will have far-reaching consequences on the oral health and quality of life of the population of the Federal Republic of Yugoslavia.

194. The adverse impact of the sanctions is also felt in the field of energy for heating health institutions, as well as for carrying out various house call health services. Due to the lack of fuel for heating, children's and gynaecological wards in general hospitals in Montenegro, as well as all in-patient clinics in the north of the Republic where the climate is harsh, were affected most. The lack of motor fuel obstructs the implementation of house-call health care services which are very important in Montenegro, considering the configuration of the soil and the dispersity of settlements. In that respect the impact of the fuel shortage on the implementation of the immunization programme is of special importance. A similar situation was registered in the greater part of the Republic of Serbia, especially in the underdeveloped and rural regions.

195. Considering that many indicators show that the health of the population of the Federal Republic of Yugoslavia deteriorated dramatically after the introduction of Security Council sanctions, qualified teams of physicians will carry out research aimed at monitoring the effects of the sanctions on health,

by applying the methods of the so-called rapid health assessment, in order to gain, in addition to routine statistical data, a more complex picture of the actual health status of the population. In addition to research into the health status of the population and the use of health services in times of crisis, special emphasis shall be placed on the child population.

196. Statistical indicators which speak of lasting adverse effects of the present sanctions on the health of children are expected in the forthcoming years. However, some statistical and research data speak of a drastic and lasting effect of the sanctions on the health of women and children, so that a deterioration can be observed with respect to many health achievements.

197. For example, the percentage of infants born without professional aid is increasing (in 1989 - 9.7 per cent, in 1990 - 9.4 per cent and in 1991 - 10.9 per cent).

198. In the period 1991-1992, the number of mothers affected with diseases that have a bearing on the foetus has increased by 137 per cent, slow growth of the foetus by 78.8 per cent, pre-natal disorders by 24.8 per cent and complications at childbirth by 14 per cent, due to an abrupt drop in the standard of living and of the scope and quality of health care.

199. In such conditions more frequent and more serious complications during pregnancy have been observed. More expectant mothers have miscarriages or had premature births or inadequate foetal growth (according to the data of the Institute for Gynaecology and Obstetrics of the Clinical Centre in Belgrade). The following table indicates the frequency of these disorders in 1989 (prior to the introduction of the sanctions), and in 1993:

	1989	1993
Abortus imminens	36	549
Partus pretemporarius imminens	79	222
IUGR	93	178
EPH gestosis	176	191

200. One of many consequences of the sanctions which will be manifested at a later date is disorders in the psychomotor development of children born after risky pregnancies. The Department of Neonatology of the mentioned Institute is registering a greater frequency of seriously threatened children. The increasing number of pathological disorders in new-born infants is a result of the greater number of pathological pregnancies with risk to mother and infant. An analysis of the health status of new-born babies before the introduction of the sanctions in 1989 and in 1993 during the sanctions shows that the number of new-born children has decreased by 6.47 per cent (in 1989 - 7,687 and in 1993 - 7,193). The number of babies born in 1993 include 365 babies of refugee mothers.

201. Infant mortality is one of the vital indicators of the health status of the population, the organization of the health services and socio-economic living conditions. Owing to an increase in the standard of living and of

health services after the Second World War, the infant mortality rate in the Federal Republic of Yugoslavia, although it varied regionally, marked a constant drop. In addition to the Autonomous Province of Vojvodina, which is classified as a region with a very low infant mortality rate (14.1 per 1,000), central Serbia has registered a favourable trend, joining the group of countries with low infant mortality rates (17.2). However, in the Autonomous Province of Kosovo and Metohija, where the general mortality rate is exceptionally low, correlated with a high birth rate, the infant mortality rate was always higher but marked a constant drop (34.4).

202. Data indicate a retrograde process in the last two years. The infant mortality per 1,000 live births in the Federal Republic of Yugoslavia was 31.7 in 1986, 20.9 in 1991 and 21.7 in 1992.

203. In addition to an increase in infant mortality, the causes of death have likewise changed. Out of the overall causes of infant mortality intestinal infections have fallen from 12 per cent in 1986 to 6.8 per cent in 1990, and then registered an increase to 9.9 per cent in 1991.

204. An even greater growth in mortality due to intestinal diseases has been registered among children in the 1-4 age group (in 1986 - 14.3 per cent, in 1990 - 3.4 per cent and in 1991 - 17.1 per cent). The situation is similar in connection with the respiratory disease mortality rate, where the share of children from 1-4 years old has increased from 9.2 per cent in 1990 to 16.9 per cent in 1991, that is for only one year.

205. In 1986, 10.4 per cent of infant deaths were due to congenital disorders; the figure was 6.2 per cent for children 1-4 years old. In 1991 the figures were 10.7 per cent and 7.1 per cent respectively.

206. The infant mortality rate caused by diseases in the perinatal period has particularly increased, from 45.9 per cent in 1986 to 41 per cent in 1990 and 47.4 per cent in 1991.

207. According to the conclusions of the Extraordinary Congress of Serbian Physicians, the health status of children in this short period has deteriorated by 10 per cent, or by an annual rate of 4 per cent.

208. The growth of morbidity is a result of the spread of contagious diseases, tuberculosis, behavioural disorders, diarrhoea syndrome, anaemia and rheumatic fever.

209. The results of a study showed an increase in the number of carditis cases and severe forms of this ailment in 1992: while in 1987 there was no case of this disease, in 1992 there were 15 cases and those of the third degree. An analysis of the socio-economic status of the patients indicated a correlation between the crisis and consequent unfavourable economic position of the patients and the disease.

210. Streptococcal infections are on the rise, as are their complications. The high incidence and constant growth of these infections are explained by shortages of medicines, the fall in the standard of living, inadequate nutrition, stress, lowering of immunity and a shortage of diagnostic tools.

211. The number of epidemics of contagious diseases, the number of affected persons and deaths as a result of certain diseases have quadrupled.

212. Number of deaths from morbilli. Although there is a reliable vaccine against this and other contagious diseases, the protection chain was broken in this period and the disease spread, acquiring epidemic proportions. Likewise, tubercular meningitis existed earlier in the region but in 1992 and 1993 the most malignant forms appeared with a high rate of serious damage or death. In conditions of the blockade, inadequate nutrition and shortage of drugs, prospects will deteriorate in the years to come, in spite of the fact that in the previous years there was a downward trend in the number of affected children.

213. To what extent the situation in the health status of the population in the Federal Republic of Yugoslavia is constantly deteriorating under the effects of the sanctions and isolation can best be perceived by the comparison method. The number of contagious diseases affecting children in the first months of 1993 was seven times greater than in 1991. In the first three months of 1993, the number of registered cases of death was three times greater than in the same period in 1992. The number of registered epidemics in 1992 was 32.4 per cent greater than in 1991.

214. On the whole territory of the Federal Republic of Yugoslavia the situation is deteriorating with respect to rheumatic fever: the number of cases and the gravity of the clinical status of rheumatic fever in children increased in 1992 as compared with 1987, the main cause being immunological deficiency due to the economic and social crisis.

215. The situation in the Republic of Montenegro is also characterized by an inadequate epidemiological situation and a deterioration in the health status of children during the period. In the first months of 1993, the incidence of contagious diseases increased 1.24 times. Respiratory diseases were particularly on the rise, along with streptococcal diseases, contagious intestinal diseases, hepatitis, mange and pediculosis. The number of tuberculosis cases, especially among the refugees and in the less developed part of northern Montenegro, has also grown, as has the number of those with deficiency diseases.

216. One of the urgent problems in the Republic of Montenegro is supplying the population with drinking water. Intestinal diseases in epidemic proportions are ever more frequent in Montenegro, due to the lack of water disinfectants and the inability to solve utilities problems. Particularly alarming is the situation in the north of the republic where, due to the catastrophic floods in October 1992, the entire infrastructure was destroyed. The destruction of the water supply and sewerage networks continues to affect the health status of the population, since from the time of the flood an increased number of cases of contagious intestinal diseases and hepatitis has been registered.

217. The promised assistance of the international community for redressing this situation did not come. With regard to water supply the situation in the Republic is such that the outbreak of a water-borne epidemic can attain such proportions that it cannot be controlled. The problem is not reduced to just

banal intestinal infections, but typhus abdominalis, epidemic hepatitis and other serious infections. Children are particularly vulnerable, especially in school, pre-school and medical institutions.

218. Since 1985, 292 cases of AIDS have been registered in the Federal Republic of Yugoslavia, the greater part from among drug addicts (55.5 per cent). In order to prevent possible mass-scale AIDS cases in future, educational actions are organized and are directed, above all, at the young population. Seminars in schools and other informative programmes have been organized. The Yugoslav AIDS Control Association has also been established, and its activities focus for the most part on Belgrade and other large cities, where there is the largest concentration of registered cases (last year there were 82 HIV-positive persons, 42 cases in which the disease was manifested and 58 cases of death).

219. On the basis of adopted legal regulations, immunization against the following contagious diseases in the Federal Republic of Yugoslavia is compulsory: tuberculosis, diphtheria, tetanus, whooping cough, polio, chicken-pox and mumps. In the previous period, i.e. from 1986 to 1990, immunization was carried out in Serbia with a high coverage of children and a somewhat lower coverage rate in Montenegro, i.e. 96-98 per cent of children were vaccinated or revaccinated. In the last few years, the immunization of children in the Autonomous Province of Kosovo and Metohija has been reduced because a number of Albanians are preventing immunization for political reasons.

220. However, after the introduction of the sanctions, the situation with respect to immunization became much more difficult. Due to the interruption in supplying the market with vaccines against chicken-pox and mumps, a considerable number of children were not vaccinated (in Belgrade only about 3,000 children). There was an interruption in the procurement of vaccines against diphtheria, tetanus and whooping cough due to the lack of funds and in the provision of the BCG vaccine.

221. The results of compulsory immunization in the Federal Republic of Yugoslavia in 1992 are as follows:

Per cent	DTP	Tetanus	Polio	Morbilli	Pertussis	BCG
Vaccinated	84.2	58.7	84.45	81.83	94.34	76.68
Revaccinated	89.7	88.35	93.67			

222. Due to the inadequate levels of vaccination and revaccination in specific regions, and increasingly so in big cities, many children are being affected by contagious diseases.

223. Data indicate that due to the financial difficulties in the procurement of domestic vaccines and the restrictions imposed by the United Nations Sanctions Committee, even in respect of import of the vaccines, as well as the lack of fuel and adequate vehicles, inadequate documentation of refugees concerning vaccines they have received and other problems, the protection of children against contagious diseases is deteriorating.

224. The health of children is threatened even in the capital. For instance, the number of children inflicted with chicken-pox in 1992 as compared with 1991 increased 22 times, a result of inadequate immunization.

225. The quality of health care has been seriously jeopardized even in leading health institutions. This is reflected in the incomplete implementation of diagnostic procedures, more inaccurate diagnoses, fewer laboratory tests and increase in hospital morbidity. It is practically impossible to carry out complex surgery within the domestic health system, and due to the lack of equipment and medicines, children's surgery and anaesthesia are particularly threatened.

226. Medical check-ups of pre-school and schoolchildren in out-patient clinics in 1992 have also registered unfavourable developments as compared with the past. In spite of the constant improvement of the professional structure and health staff, statistical data indicate a decrease in the total number of visits to doctors by women and expectant mothers, as well as in the number of check-ups. The overall number of visits to doctors and gynaecological clinics by women for treatment and family planning has decreased by 22.9 per cent as compared with 1986. The absence of control and prevention measures was particularly apparent in 1992 when the number of visits to guidance centres for pregnant women decreased by 24.2 per cent and to family planning centres by 34 per cent in comparison with the 1986-1991 period.

227. The number of visits to doctors by children has also decreased in the last three years in comparison with the optimum results. The overall visits to health care services for pre-school children decreased by 23.4 per cent since 1986. The coverage of schoolchildren and youths by routine medical check-ups and control examinations decreased by 24.4 per cent in 1992 as compared with the period 1990-1991.

228. The main cause of these and other problems in the implementation of health care is the inability to supply health services. Although medicines, raw materials for the pharmaceutical industry, sanitary materials and medical equipment are formally exempted from the United Nations sanctions, in practice there are numerous obstacles which contribute to the deterioration of the health status. The approval of the United Nations Sanctions Committee is awaited for a very long period, sometimes without any result. Some countries detain the transport with medicines and other humanitarian material, even when approval has been obtained. The difficulties in supply are particularly emphasized due to the dependence of pharmaceutical houses in the Federal Republic of Yugoslavia on imported raw materials (in 95 per cent of the cases), the unfulfilment of the obligations assumed by some foreign producers or suppliers although the goods have been paid for in advance. The financial aspect of the difficulties in supply has realistically been expressed by the indicators of the Republican Fund for Health Care of the Republic of Montenegro, namely that 93.7 per cent of the overall income earmarked for health care is intended for medicines, so that with the remaining 6.3 per cent it is impossible to cover all the other costs.

229. In addition to medicine, there is a shortage of blood and blood derivatives, infusion solutions, dialysis solutions, hormone preparations, the already mentioned vaccines, sanitary materials (gauze, bandages, cotton wool,

band-aids), surgical disposable materials (gloves, scalpels, thread, urinary catheters and bags, drains), syringes, needles, infusion kits, X-ray film, blood bags.

230. One of the side effects of this hopeless situation is reflected in the greater number of people who seek help from the so-called traditional or alternative medicine practitioners. Despite efficient measures of health education aimed at discontinuing traditional medical practices harmful to the health of children, and apart from the financial crisis, this period is marked by a crisis of cultural authority of medicine which encourages new forms of alternative and harmful practices in the treatment of women and children.

231. Within international cooperation it should be stressed that, judging from its concept and its overall results in the past, the Yugoslav health care system has tried to meet the health care standards of the developed countries. One could say that health care policy and practice of the developed countries, primarily in Europe, represented one of the decisive elements in the creation of the Yugoslav child health care policy. On the other hand, the Federal Republic of Yugoslavia took part in various and numerous assistance programmes for the developing countries, providing mostly professional staff and technical assistance. However, in the conditions of sanctions and international isolation, this situation has significantly changed. Communications in the area of health and medical science have been practically totally discontinued (international magazines, meetings, study tours, etc.). This will have a long-term effect on the education of medical staff who are deprived of learning new diagnostic and therapy methods. At the same time, since WHO assessed that the situation in the Yugoslav health care sector was very critical, international assistance in drugs and medical supplies for Yugoslav children is being provided by UNICEF, UNHCR, WHO, Save the Children and other international organizations.

232. The health care system has tried to prevent, ease, overcome and minimize all of the above problems through its organizational solutions and maximum savings. However, all efforts failed to prevent the ever more difficult situation in the area of health which is a direct consequence of the sanctions and the international isolation of the country. The Federal Republic of Yugoslavia has submitted to the international organizations, on a number of occasions, official evidence to this effect.

B. Protection of disabled children (art. 23)

233. In accordance with the provision of the Constitution of the Federal Republic of Yugoslavia (art. 54) and pursuant to the effective laws, special protection is guaranteed to disabled persons. Documents and special regulations relative to all levels of education, social security and special care of disabled children are included in the laws on health care, education, social welfare, employment and social insurance.

234. According to the laws on special education and upbringing, integral education and upbringing of disabled children begins early, starting from pre-school. The basic objective of this process is to enable them to live independently according to their own abilities. According to the regulations, mildly disabled children and youth are taught in special classes in regular

schools, while seriously disabled children are educated in special schools and according to a special programme adjusted to the degree and the type of disability. In accordance with the effective legal regulations the system of education and upbringing of the disabled children and youth includes the care, education and protection of pre-school children; upbringing and elementary education; secondary education, i.e. training for work.

235. The results achieved in the education and rehabilitation of handicapped children and youth show significant progress, as do the results achieved regarding the network and types of educational and rehabilitation organizations, the number and profiles of specialized personnel dealing with children, etc. However, there are also certain problems in accommodating the complex needs of handicapped children, including:

(a) The categorization of handicapped children is most often carried out at the age of five or six, before school, so that a period very important for the beginning of rehabilitation is skipped. Therefore, there is a need for the early diagnosing of children with development disorders, since this is the only way to achieve optimal results;

(b) Pre-school education, which is extremely significant for the entire future development of handicapped children, is still rather an exception than a rule. Certain forms of pre-school education, such as the visiting nurse service in families, counselling parents during hospital treatment, work in health and rehabilitation organizations, educational pre-school programmes and similar measures are rarely implemented, although provided for by law;

(c) There is, however, a small number of handicapped children (particularly with major and multiple disabilities), primarily in the undeveloped and rural regions, who are not included in adequate forms of education and rehabilitation;

(d) The availability of textbooks, manuals and teaching aids, is often below standard, although the handicapped child requires more than other children in order to develop a sense of independence;

(e) As a rule, special teaching aids for handicapped children are expensive, and their purchase, maintenance and repair have been made even more difficult because of the sanctions;

(f) There are still many problems in the secondary education of handicapped children, from the inclusion of children and youth in secondary education, to the choice of occupation, often incompatible with employment possibilities later, problems with professional orientation, as well as other problems (e.g. handicapped youths, sometimes forced to stay in hospitals, are rarely assisted with school curricula), which is why employment results are poor.

236. The position of handicapped children in the difficult social conditions of poverty and isolation, when even those who are physically fit struggle to survive, is especially grave. Handicapped children (be they in families or institutions) and their families suffer more than others. Families of

handicapped children increasingly face a lack of orthopaedic aids, medicines, difficulties regarding the transport of children to a rehabilitation centre or school, reduced possibilities for recreation, etc.

237. As regards the type of damage, according to the official statistics, 7,320 children have mental development disorders and 3,577 have problems with their physical development. In terms of the type of difficulties, there are special educational and rehabilitation institutions for children and youth with impaired vision, children with impaired hearing, the physically handicapped and the mentally retarded.

238. In addition to the protection in open institutions, the most difficult cases of handicapped children are provided with institutional protection, in accordance with modern principles of the protection of handicapped children. There are 34 institutions for children and youth with physical and mental disorders in Yugoslavia, with 3,892 beneficiaries and 1,539 employees. These institutions employ a sufficient number of professionals (teachers for the handicapped, psychologists, social workers, instructors and health workers). Under the law, these institutions provide children with care, education, health care, engage them in various working activities in accordance with their abilities, and offer them professional assistance to mitigate the consequences of the disorder they suffer from. In addition to permanent care, these institutions can organize five-day and one-day accommodation of children with mental disorders. Day care of children can also be organized within special institutions.

239. In the last 10 years, much has been done to improve the conditions, professional work and rehabilitation by building new facilities (the latest is the facility for autistic children in Belgrade). According to the available data, what has yet to be built is an institution for day care of children with mental-physical disorders, as well as an institution for the accommodation of children and youth with severe bodily damage.

240. The basic problems of children accommodated in institutions are insufficient material resources to maintain nutritional and hygienic standards, lack of resources for therapy, various degrees of invalidity of mentally retarded children in institutions, difficulties related to the discharge of handicapped youth from institutions and their employment after a period spent in the institution (their stay in the institution is often prolonged beyond the envisaged time if conditions do not permit them to return to their families).

241. An attempt was also made to grant severely handicapped children the right to external care and assistance even before seven years of age, in view of the fact that pre-school treatment is also part of rehabilitation.

242. Bearing in mind that a large number of handicapped persons encounter architectural, communication and other barriers, due to which they do not sufficiently use their right to independence and equal participation in social processes, action has been taken to remove them. Provisions and recommendations have been incorporated in laws pertaining to the construction of residential buildings and public utilities. However, despite the big effort, the handicapped still face difficulties in communication.

243. In view of the fact that a successful process of social integration requires a proper attitude on the part of society, which has to adjust to the needs of the handicapped, and despite numerous appeals to change attitudes towards the handicapped, there are still certain social prejudices against persons with development disorders in all the age and educational groups. The appeals of social and professional groups, as well as of numerous organizations of the handicapped, especially during the International Year of Disabled Persons in 1981 and the United Nations Decade of Disabled Persons in 1982-1992, were aimed at changing social attitudes towards the handicapped. Television, as the most powerful mass medium, in addition to certain programmes intended for some groups of handicapped (e.g. the programme for the deaf) should also include information on the needs of other groups of handicapped and on the obstacles hampering their integration, since the "non-handicapped" are largely to blame for the slow integration of the handicapped into society.

244. Scientific research activities in this field, which had achieved significant results in seeking efficient solutions for the promotion of the protection of handicapped persons and in preventing invalidity, have halted, which may have lasting effects on accommodating the needs of handicapped children. The present isolation and the absence of international communication may result in equally serious consequences, especially since there is no exchange of information on the preventive health care and medical, mental and functional treatment of the handicapped child, or on methods of training staff to deal with rehabilitation.

C. Social protection and health care services (arts. 26 and 18, para. 3)

245. Member republics are responsible for legislation related to the protection of children. In the Republic of Montenegro, this field is regulated by the Law on Social and Children's Protection. Under this law, the State is obliged to offer assistance to the family in order to encourage a balanced reproduction of the population and provide equal conditions for care, education and the proper mental and physical development of children.

246. In the field of social care, children and youth enjoy the following rights: the right to occupational training, the right to accommodation in a social institution and in another family, and compensation for care and assistance offered by other persons.

247. In the Republic of Serbia, this field is regulated by the Law on Social Care and Material Security of the Family and the Law on Marriage and Family Relations, which have gone through certain changes in order to create uniform standards in the entire Republic.

248. The uniform jurisdiction led to changes in the organization and the manner of work of the republican and provincial authorities and to the transfer of part of provincial jurisdiction to republican authorities, which provided for more efficiency in the implementation of regulations and therefore in the protection of children's interests. The uniform legal protection enabled all children to exercise their rights guaranteed by the law equally.

249. All the regulations on social and family-legal protection are in accordance with the provisions of the Convention.

250. In order to enable the more efficient implementation of laws and regulations, special attention has been devoted to the promotion of professional work and to the monitoring of the rights recognized by the Convention, through continuing administrative and expert supervision and direct professional assistance.

251. There are also problems in providing resources for the prevention of socially undesirable phenomena, as well as the need for additional programmes in the field of preventive work and for closer cooperation with voluntary social services.

252. The unfavourable economic trends in the last years have resulted in the even greater need for social care to meet various requirements of children and their families. In 1992, social care was provided to over 400,000 beneficiaries. In comparison with the previous year, the number of beneficiaries rose by about 50,000.

253. According to the data of social work centres, 141,564 children used social care services in the end of 1992 and, in 1993, the number of children included in social care programmes rose, including both children from broken or troubled families and children from families without material resources.

254. In 1992/93, the right to financial care was exercised by 61,479 families with 160,078 beneficiaries, of whom 43,151 were children. According to the data of December 1993, in the Republic of Montenegro, 11,066 families with 29,385 members exercised the right to financial care, under the social care regulations. In addition, at the beginning of the school year, 45,000 children from families-beneficiaries of financial care, beneficiaries of children's allowances, beneficiaries of war veterans' allowances, and allowances for children refugees, were provided with books and school materials through social care programmes.

255. In the regions where it was possible, additional lump sum assistance was granted to children from materially disadvantaged families. In 1993, as compared with 1992, the number of families with children requiring additional material assistance for the most basic needs (purchase of food, fuel, school materials, clothes and footwear) increased. It should be mentioned that for the majority of children included in social care from three-member, four-member and five-member families, material assistance was the only assistance that the family was granted, which is insufficient to satisfy all children's needs. Therefore, since the total resources cannot meet all these needs, social work centres have narrow space for manoeuvre.

256. Centres for social work in the Republic of Serbia provide care for 11,745 children without parental care. They are accommodated in homes for the protection of children without parental care, or in guardian families, and offered various social care services, such as guardianship, adoption, etc.

257. Twenty-three homes for children without parental care accommodate 2,071 children, while 1,163 children are accommodated in host families.

258. With a view to providing protection in a proper and efficient way, social care services have devoted special attention to early discovery of the problems of children or their families. Social care services within centres for social work cooperate with local communities in defining the needs of the region and, on that basis, the direction of joint activities.

259. There are difficulties in early discovery of the problems of children and families, because in the grave economic conditions caused by sanctions the number of families requiring social care grows.

260. Among institutions dealing with preventive care, the most important are guardianship authorities, i.e. centres for social work, acting in all communes (see paras. 126 and 142).

261. In the Republic of Serbia, there are 200 centres for social work, of which 114 operate for one and 28 for several communes. In the Autonomous Province of Vojvodina, there are 34 centres for social work, and in the Autonomous Province of Kosovo and Metohija 24. In the Republic of Montenegro, there are 10 such centres, covering all the 21 communes in the Republic.

262. Counselling services formed in some centres for social work are also engaged in preventive care. The development of family counselling services is slow, due to the unfavourable economic conditions in which the entire social care system functions. In the territory of the Republic of Serbia, there are 19 family counselling services at the moment. They are developed to various extents, but are all directly engaged in counselling and primary-preventive work. As under present conditions children increasingly need primary-therapeutic-counselling work, the number of beneficiaries of counselling services grows, primarily among families with children. As a matter of fact, it could be said that counselling services basically deal with the protection of children.

263. In the centres that do not contain special counselling services, the intention is to engage professional staff, mainly psychologists, teachers and social workers, in primary preventive work with young people and families with certain interpersonal problems.

264. Centres for social work also deal with preventive care in cooperation with schools, health institutions, local communities and humanitarian organizations.

265. Preventive programmes for youth are most often carried out in schools, through lectures on social pathology.

266. All accommodated children are provided with an equal level of services by implementing uniform criteria and standards in social care institutions. The quality of professional work has been improved and conditions have been provided for the proper development of children. However, there are still some institutions in Kosovo and Metohija that are not equipped and prepared for offering high-level services to the children who are to be accommodated, since the economic crisis makes the implementation of development programmes impossible.

267. In 1993, social care institutions also faced difficulties in meeting certain needs of children with health disorders. Humanitarian assistance, including international relief in medicines, is insufficient to make the level of health care for children at risk satisfactory.

268. There are also problems regarding the integration of children after they finish school and training and leave the social care institution, since local communities are often unable to ensure their employment.

269. Proceeding from the principle that monitoring the protection of children's rights is more significant than monitoring the protection of adults' rights, in the case of children it is ensured that not only is the legal aspect monitored, but also the compatibility of procedures with modern methods of children's protection. The purpose of monitoring the protection of children's rights implemented mainly through republican ministries responsible for social care, was not only to ensure that standards related tc children's rights were observed but also to apply modern methods in the treatment of children. In order to achieve that, considerable attention was devoted to the education of professional staff dealing with the protection of children.

270. Social care services are trying to ensure through an inter-disciplinary approach that the child is an active factor in the protection of his rights and interests, and that his decisions influence the measures designed to enable the proper development of his personality. Therefore, the child always has his place and role in the procedure, his personal views on specific problems in the family are recognized, his personality and emotional maturity are assessed, the attempt is made to base all the important decisions related to the protection of the child's rights on his wishes and desires.

271. The increase in the number of beneficiaries in social care services has not had any effect on the overall protection of children's interests.

272. The right of children to an adequate standard of living and to the satisfaction of basic needs are not exercised, partly due to the level of economic development of the Federal Republic of Yugoslavia but also to a significant extent due to the direct effects of Security Council resolutions.

273. Pre-school education is an important part of social care of children, consisting of several functions enabling the complex process of development of pre-school children. Included in this process are educational work, care, preventive health care, a proper diet, daily rest, monitoring and promoting the conditions of life, assistance to children in social need as a result of various deficiencies, and corrective work if there are any disturbances.

274. The Law on Social Care of Children of the Republic of Serbia and the Law on Pre-school Education in the Republic of Montenegro provide for all the aspects of pre-school education and create conditions for the modern social education of small children, offering adequate assistance to families for the accommodation of children in pre-school institutions while parents are at work.

275. In the Republic of Serbia 175 pre-school institutions have been founded. In nine communes, schools play the role of pre-school institutions and provide pre-school education for children.

276. Pre-school institutions work with children in many ways; they provide day care of 9, 10 or 11 hours a day, half-day care of 3, 4 or 5 hours a day, and educational programmes for children in the year before elementary school of 240 hours annually.

277. Day care and half-day programmes are financed from communal budgets (80 per cent) and by the beneficiaries (20 per cent on average per child).

278. The table below shows the number of children encompassed by the basic forms of work on 31 March 1993 (data for the Republic of Serbia).

Age	Number of children	Form of work	Number of children	Percentage of population coverage
Up to 1 year	132 000	Day care for children from 1-7 years	83 174	9.5
1-7 years	884 760	Half-day care for children from 6-7 years	48 594	31.6
6-7 years	153 938	Minimum programme for children from 6-7 years	15 405	14.7
TOTAL			884 760	

279. In comparison with October 1992, the number of children in day care went down by 3 per cent and in half-day care by 10 per cent, while the number of children included in the minimum programme increased by 62 per cent. In comparison with the time before sanctions, the number of children further decreased, in day care by 6 per cent and in half-day programmes by 24 per cent. The reduction in the number of children included in these programmes is a direct consequence of the Security Council sanctions, due to which an increasing number of parents have to take leave to take care of their children themselves. In addition, due to the extremely low standard of living, the purchasing power of families weakens and they cannot participate in financing the services of pre-school institutions.

280. The increase in the number of children included in the minimum programme is explained by a new provision of the Law on Social Care of Children, establishing that the mentioned programme is financed from the budget of the Republic.

281. Pre-school institutions in the Republic of Serbia have accommodated over 4,500 refugee children for the last two years. Costs of these children are not compensated in a large number of communes, and the assistance of

international humanitarian organizations has been symbolic - it was granted only twice, and only in food, hygienic supplies, clothes and footwear.

282. Pre-school institutions in the Republic of Serbia implement certain activities-rights that are of general interests, financed from the budget of the Republic. The table below shows the type of rights and the number of children involved:

Entitlement	Number of children
Educational programme of 240 hours, one year prior to elementary school	63 999
Compensation for pre-school institution for the third child in families with three children in the amount of the difference between the amount of allowance received and the price	5 000
Compensation for the total cost of pre-school institutions for the fourth child in families with four children	2 000
Pre-school education and care of children deprived of parental care, handicapped children and children undergoing long hospital treatment	2 450

283. In the Republic of Montenegro the situation is as follows.

284. Approximately 10,000 children from 1 to 7 years of age, from 20 communes, take part in organized pre-school education. Only in the commune of Žabljak is there no organized pre-school education; 12 communes in the Republic have organized pre-school education and upbringing for children between 1 and 3 years of age, and some 1,280 children, i.e. 5 per cent of the total child population, takes part. Pre-school upbringing and education is organized in kindergartens in some 20 communes for about 8,820 children from 3 to 7 years of age. Some institutions are open the whole day and others work on a half-day basis. The number of children covered by such institutions varies from one to another commune, i.e. from 0 per cent to 30 per cent.

285. Over the last two years, one-year programmes prior to entering elementary school were organized, which covered between 7 per cent and 60 per cent of children, depending on the commune.

286. Institutions for pre-school education are financed from the republican budget to a large extent and only partly by the participants (parents). However, children from low-income families are exempt from paying anything.

287. In spite of efforts and measures taken by the republican government, the functioning of the social child-care system has become difficult, with the perspective of further deterioration. Different forms of assistance in the form of material compensation (compensation for maternity leave for employed and unemployed women, assistance for baby supplies, children allowance) have lost their real value owing to a long period of persistent inflation.

D. Standard of living (art. 27, paras. 1-3)

288. As stated earlier in paragraph 272, the standard of living is one of the most drastic problems facing the Federal Republic of Yugoslavia. In a situation where GNP per capita dropped from US$ 2,530 in 1990 to US$ 1,674 in 1992 and finally to US$ 1,163 in 1993 (i.e. by more than 50 per cent), it is clear that it has become more than difficult to meet the needs mentioned in this article. The efforts made are also evident from this report.

VIII. EDUCATION, LEISURE TIME AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

289. According to the effective constitutional provisions, every citizen has the right to education under the same conditions. Elementary education is compulsory and tuition free; it is financed from public revenue, i.e. republican and communal budgets. Material costs are financed from the communal budget.

290. All the 4,434 elementary schools in the Federal Republic of Yugoslavia are State owned.

291. Elementary education is carried out in elementary schools, special elementary schools for handicapped children and other special schools for adult education.

292. Pupils from grade 1 to grade 4 take a maximum of 20 classes a week, i.e. 4 classes a day. Pupils from grade 5 to grade 8 have a maximum of 25 classes a week, i.e. 5 classes daily. Weekly programmes for pupils educated in the languages of the minorities include 23 classes a week for pupils from grade 1 to grade 4 and 28 classes for pupils from grade 5 to grade 8. The total number of classes can be increased by 5 classes of extracurricular activities at the most. Pupils from grade 1 to grade 7 go to school 38 weeks a year and pupils in grade 8, 36 weeks a year.

293. Programmes for grade 1 to grade 4 are taught by teachers with higher education who graduated from teachers colleges, while teachers teaching grade 5 to grade 8 are university graduates.

294. Pupils may enrol in art schools (music and ballet) simultaneously with elementary schools.

295. The school year begins on 1 September and ends on 24 June. Pupils have three recesses, summer recess, winter recess and Easter recess.

296. According to the effective standards classes have 30 students each, and exceptionally 34. Combined classes composed of pupils of two different grades have 20 pupils, while classes composed of three or more groups have 15 pupils each. However, a great inflow of refugees has changed this situation so that classes with 40 or more pupils are not rare. This has adversely affected both the work and the results achieved.

297. The total number of students in elementary schools in the Republic of Serbia is 1,136,533 and in the Republic of Montenegro 81,416. According to the available statistical data for the 1990/91 and 1991/92 school years, 98.6 per cent and 98.9 per cent of children completed elementary education, respectively.

298. The programme is taught in the mother tongue, and in multinational environments lessons are taught in the languages of national minorities in accordance with the Federal Republic of Yugoslavia Constitution, laws and status of the given commune. In the Republic of Serbia and the Republic of Montenegro laws on elementary education and upbringing envisage bilingual programmes in elementary schools. This matter will be discussed in more detail in relation to article 30 of the Convention.

299. Secondary education is free of charge and it is a part of the overall system of upbringing and education. It is regulated on the basis of republican laws. Secondary education is carried out in general high schools, art schools and vocational schools. The high school programme lasts four years and it offers general education and prepares students for further education.

300. Art schools last four years and offer secondary education and prepare students for work and for further education. Vocational schools offer three- and/or four-year programmes and prepare students for either work or further education. Vocational schools also offer one- and two-year programmes as well as specialized courses.

301. In June and in August secondary schools organize tests for enrolment.

302. Special secondary education is organized for handicapped children. There are 34 special schools in Yugoslavia, 31 in the Republic of Serbia and 3 in the Republic of Montenegro. They are financed in the same was as elementary schools and they can be either private or public.

303. The law envisages the possibility of organizing private schools at secondary, college and university levels. As mentioned earlier, because of their specificity, significance, and the fact that they are compulsory, all elementary schools are State owned. The competent ministry issues permits for the opening of private schools or faculties which fulfil the envisaged programme and other conditions.

304. The total number of students in secondary schools in the Republic of Serbia is 327,546 enrolled in 502 schools, and 28,268 in 40 schools in the Republic of Montenegro.

305. A number of reforms of the system of secondary education were organized and carried out in the territory of the former Socialist Federal Republic of Yugoslavia, including in the Republic of Serbia and the Republic of Montenegro. Known by its negative aspects was the introduction of the so-called vocational secondary education, the consequence of which was the abolishment of general or classical high schools because, as the authors of the reform explained, they were privileged schools. This experiment with vocational secondary education lasted 10 years.

306. In view of the changes in the socio-political system which took place over the last two years, changes in the area of education and upbringing were also initiated. The essence of such changes includes the following:

(a) Upgrading of the system of upbringing and education in accordance with the tendencies in the developed countries;

(b) Definite rejection of the concept of vocational education and differentiation of secondary schools between general and vocational schools;

(c) The possibility of opening private schools in accordance with the 1991/92 Law on Education;

(d) Rationalization and restructuring of the financing of the educational system;

(e) Modernization of the educational and upbringing process (simplification of curriculum and exclusion of ideology from educational programmes, smaller number of subjects, modern forms of work, etc.);

(f) Introduction of a special system of discovering, educating and employing talented pupils and students.

307. Higher education is free of charge for full-time (regular) students. There are many colleges, faculties and art academies. In 1992/93 in the territory of the Federal Republic of Yugoslavia there were 145 institutions of higher education with 142,570 students, of whom half, i.e. 76,020, were girls. In the same academic year 17,254 students graduated of whom 9,889 were females. One could even say that the number of higher education institutions in the Federal Republic of Yugoslavia is irrational.

308. Apart from Yugoslav students belonging to different ethnic groups and national minorities, in 1992/93 there were 2,642 foreign students from different European countries (mostly from Greece and Bulgaria) as well as from African and Asian countries.

309. There are different mechanisms of social policy for assisting students during their studies. Funds are allocated for scholarships, grants, student credits, textbooks and transportation with a view to improving the social and material status of students and meeting the constitutional principle of providing access to education to all. According to the most recent statistical data for the Federal Republic of Yugoslavia, there were 64 residences accommodating 29,250 pupils and 38 university and college residences with 20,110 students.

310. Research studies in sociology show that the mentioned social measures are unable to ensure equality in education, which is envisaged by the law. Such studies also show that with time social inequalities started affecting the area of education. Thus, research studies show that reduction in the social expenditures for education leads to inequality in education. The main burden of education is, in that way, borne by the family.

311. However, apart from the problems with the education of Albanian children (this issue will be discussed in more detail in relation to art. 30), the situation in the area of education is extremely difficult as a result of the United Nations sanctions. Funds to subsidize textbooks, school supplies that used to be free of charge, modernization of programmes (computers, TV sets, video tape recorders) have been reduced as well as all other basic resources. For example, last winter (1993/94) many schools lacked heating which is why winter recess lasted six weeks instead of three. All this and other problems will affect the results. Transportation to school, organized meals at school and other elements of the student standard were very much affected as well. In addition to these problems there is also the problem of the discontinued international cooperation and communications which are so important for the exchange of educational concepts. All of the above clearly shows to what extent the educational system has been affected by the international isolation and other decisions of the international community.

B. Objectives of education (art. 29)

312. The objectives of education and upbringing in the Federal Republic of Yugoslavia were defined in the republican laws on elementary, secondary and higher education in the territory of the republics-members of the Federal Republic of Yugoslavia. The mentioned laws came into force in 1991 for the Republic of Montenegro and in 1992 in the Republic of Serbia. They contain all changes in the tendencies of the development of education mentioned in paragraph 306. The tendency to exclude ideology from educational programmes is in close connection with the unburdening of education development from too much ideology. Education as a whole is directed towards the development of the personality of students by providing them with general education and professional knowledge, development of their intellectual and physical abilities, encouragement of the critical opinion, independence and interests of both children and youth. All levels of education, from elementary to higher, are directed towards teaching humane and tolerant relations among people, and favour teaching students to respect freedom and the rights of citizens as recognized by international law, and development of an awareness of the need to protect health and the environment, cultural needs, preservation of the cultural heritage and tradition.

313. Curricula at all levels of education include the teaching of the general values and achievements of civilization. Through the process of education, children are taught to be independent persons and responsible members of society. With a view to creating free and creative persons, even at the elementary school level, and aware of its rights and responsibilities the Committee for the Protection of the Rights of the Child within the organization "Friends of Children of Serbia" distributed a memorandum to principals of all the elementary schools in Serbia stating that children should be informed of their rights through the "Primer of the Rights of the Child".

314. Here, see the part of the report in relation to article 8 of the Convention (para. 58), i.e. concerning the fact that some European countries fail to abide by the provisions of the Convention which guarantee all children the right to their own culture, identity, language and national values of their country of origin.

C. Leisure, recreation and cultural activities (art. 31)

315. The Federal Republic of Yugoslavia Constitution and the constitutions of the member republics guarantee personal, political, national, economic, social, cultural and other rights to every individual and all citizens, while the Constitution of the Republic of Montenegro specifically states that the obligation of the State is to assist and support the development of education, science, culture, art, sport and physical and technical culture, which can be applied to article 31 of the Convention on the Rights of the Child.

316. The Law on Social Care of the Children of the Republic of Serbia envisages children's rights in more detail. In article 1 of this Law, it recalls the rights of the child to such living conditions which enable his/her proper psychological and physical development, as well as the obligation of the State to assist children in their development. In other provisions, apart from upbringing, education and preventive health care as the essential objective of social child care, it envisages nutrition, leisure, recreation, culture, sport and creative activities for children. The same law envisages and regulates, as part of the social care of children, recreation and the stay of children up to 15 years of age in youth hotels, as well as subsidies for pre-school and kindergartens. The commune is responsible for the above activities in accordance with its financial possibilities and the law. The Law specifies the conditions and rights of the children to use youth hotels for recreation. The costs of the stay of pre-school and schoolchildren are subsidized, depending on the financial status of the family.

317. The Law envisages organized active holidays, recreation, convalescence and outdoor classes for groups of 10 in the case of children up to 7 years of age and groups of 25 in the case of children up to 15.

318. The same Law prescribes conditions for the organization of the annual event for children called "Children's Week". This event is organized on an annual basis in the first week of October. During the week children take part in cultural-educational and recreational activities. During the week funds are raised (theatre, cinema and other cultural and sport activities). Funds raised in this way are used for the organization of the same event the year after.

319. In the Republic of Montenegro all of the above issues are envisaged in a number of regulations, essentially in the same way as in Serbia.

320. A republican special law prescribes lower transportation rates for children and youth (up to 25 years of age) in domestic transport. A group of 15 or more children is charged only 20 per cent of the full price for bus and train transportation, and 30 per cent for aeroplanes. This enables children from pre-school to university level to participate in organized school and scientific trips, health care and recreational and leisure programmes at favourable prices. The difference in price is covered from the republican budget.

321. In accordance with paragraphs 1 and 2 of article 31 of the Convention on the Rights of the Child, the Yugoslav Commission for Cooperation with UNICEF and the "Friends of Children of Serbia", a non-governmental organization, were

very active in many ways. They were especially active in promoting the basic principles of the Convention on the Rights of the Child through publishing documents and organizing meetings on the rights of the child.

322. In cooperation with the Institute for psychology of the University of Belgrade, "Friends of Children of Serbia" organized a research project on the attitude of children towards their rights. A sample of children between 8 and 14 years of age was used for the purpose of this research work. The results of this research were used as the basis for the book "Primer of the Rights of the Child".

323. With a view to an active involvement of children in art within the framework of further promotion of the Convention, an arts competition was organized devoted to the rights of children; 5,000 children took part. The selected works of art were exhibited and printed on greeting cards.

324. In implementing its activities "Friends of Children of Serbia" encourage children to participate in cultural life (para. 2, art. 31, of the Convention). For example, this organization organized a number of concerts and cultural events.

325. The objective of the organization "Friends of Children of Serbia" is to encourage recreation and leisure activities among children and to improve the conditions for free and creative activities. Over the last two years a "Children's Week" was organized with a view to informing the public of the rights of the child and offering programmes for encouraging creativity of children through play (see para. 318). During this week, all elementary schools in the Republic of Serbia organized programmes for grade 1 pupils.

326. Pre-school and elementary schools were in charge of organizing creative programmes such as concerts, creative workshops, art exhibitions, carnivals, etc. Apart from engaging children in cultural activities, extra-institutional forms of work with pre-school children were also organized (play school, for example).

327. "Friends of Children of Serbia" organized creative camps (summer and winter) in which children have recreational and other activities. This programme is founded on the basis of the Convention on the Rights of the Child, and is directed towards the promotion of socialization and creativity of children.

328. The international game "It's a Knockout" is also organized within the programme for the promotion of active creative work by children. The games are organized at school, communal and republican levels. During these games children get to know new towns and make new friends.

329. "Children's Fairs" are a review of children's works. Revenues are channelled through "Friends of Children of Serbia".

330. In schools, camps and during recreational activities, creative workshops coordinated by professional teachers are organized. Workshops are attended on a voluntary basis and they are very creative and encouraging for children.

331. "Friends of Children of Serbia" formed a committee for the protection of the rights of the child with a view to supporting and promoting the rights of the child as envisaged in the Convention. Apart from appeals for the protection of the interests of children, the committee forwarded an appeal to the parliament and the government of the Republic of Serbia to give priority to the needs of the children while international sanctions are in force, as well as to take measures to stop the war in the Former Yugoslavia.

332. Even in this period of sanctions, delegations of children from Yugoslavia took part in the international children's summer villages in Italy, Sweden, France and Norway where activities were based on the Convention on the Rights of the Child.

333. In the Republic of Montenegro, the sister organization of "Friends of Children of Serbia" is the Children's Federation of Montenegro. This organization plans and coordinates cultural activities in schools in the republic.

334. A children's theatre festival at Kotor, a folklore and rhythmic festival in Bar and a festival of children's songs in Podgorica and Rožaji were organized by the Federation.

335. Recreation is organized in four centres for elementary schoolchildren. During the winter and summer season over 8,500 children are accommodated in these centres. In the centres, games and other activities are organized, in which all children take part.

336. The event "Happy Village" gathers elementary school pupils who are interested in art.

337. An annual art and literature cultural event "Under the Old Olive Tree" is organized in Bar.

338. Apart from the above events in which children of all nationalities and age take part, the writers club of Montenegro organizes gatherings of children and writers.

339. Children's Week and Universal Children's Day are celebrated in Montenegro on a regular basis and on the occasion of the International Day of Peace an art competition is organized.

340. In September 1993, at the initiative of the two republican organizations, the Yugoslav organization for Children was revived. After the break-up of the Socialist Federal Republic of Yugoslavia the decades-old children's organization ceased to exist. Within the revived organization the Yugoslav Committee for the Protection of the Rights of the Child was established. The main task of this Committee is to supervise the implementation of social, health, educational and cultural children's rights, and the right to information and privacy. At the same time the work of the Yugoslav Committee should be based on the protection of children from all forms of abuse and manipulation.

341. The Committee can act in many different ways and fields: increasing the awareness of society in connection with child care, informing the public and the authorities of the potential dangers in this area, establishing a "State agency for children" which would deal with the protection of the rights of the child in a comprehensive way, in the whole territory of Yugoslavia, influence the legislation and the implementation of the laws, etc.

342. The Yugoslav Committee also plans to develop international cooperation. Fortunately, cooperation with national organizations was not discontinued. This created a favourable basis for the future work of the organization within the international movement for the realization of children's rights. Membership and activities in the international organization for pre-school education OMEN and the International Children's Summer Villages CISV will be continued. Cooperation with the members of the International Union for the Protection of Children's Rights, as well as with national children's organizations, will be maintained.

343. Finally, it should be said that in a situation of extreme economic crisis and especially in the conditions of United Nations sanctions, difficulties were encountered in the implementation of article 31 of the Convention on the Rights of the Child. However, the actions, programmes and activities of children and their organizations in both republics and at the federal level are evidence of the efforts made in order to spare the children as much as possible from the consequences of the crisis so that their recreation, holidays, cultural activities and normal development remain unharmed.

IX. SOCIAL WELFARE MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

344. In only one generation two refugee waves coming from the same regions occurred in the territory of present-day Yugoslavia: the first during the Second World War (1941-1944) and the second since the beginning of 1991 as the result of the secession of Slovenia, Croatia, Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia and the resulting armed conflicts, when hundreds of thousands of Serbians and others were expelled from those regions.

345. In 1992, following a large influx of refugees from Croatia and Bosnia and Herzegovina, the Republic of Serbia adopted a Law on Refugees and a Regulation on Refugee Care while, in the same year, the Republic of Montenegro adopted a Regulation on Care for Displaced Persons.

346. Under the Law on Refugees of the Republic of Serbia and the Regulation on Care for Displaced Persons of the Republic of Montenegro, all persons who have fled to the territory of the Federal Republic of Yugoslavia, regardless of their nationality or religion, are granted refugee status and are entitled to equal rights to welfare.

347. There are some 470,000 persons registered as refugees in the Federal Republic of Yugoslavia at this juncture. They all are citizens from the former war-afflicted Yugoslav republics (former Croatia and former Bosnia and

Herzegovina, but also from Slovenia and the Former Yugoslav Republic of Macedonia). This is the lowest figure of registered refugees since the beginning of the war (the highest number registered was approximately 650,000 but, according to estimates, the actual figure was much larger because many of them did not apply for refugee status since they were taken in by relatives and friends), as many of the refugees got a chance to leave for third countries.

348. According to the records of the Commission for the Displaced Persons of the Republic of Montenegro, as of 22 December 1993, there were 53,150 refugees including 1,800 children aged up to 1 year, 8,473 children from 1 to 7 years of age, 8,671 children between 7 and 14 years of age and 9,300 children, youths and university students.

349. According to the date of the Commission for Refugees of the Republic of Serbia and the Red Cross of Serbia (Bulletin No. 15 of 15 January 1994), the total number of refugees in the Republic of Serbia was 415,000. Of these, 42.1 per cent i.e. 175,000, are children up to the age of 18:

Up to 1 year of age	1.9%	(some 8,000)
1 to 3 years of age	4.3%	(some 18,000)
3 to 7 years of age	10.5%	(some 43,000)
7 to 14 years of age	16.8%	(some 70,000)
14 to 18 years of age	8.8%	(some 36,000)

350. There are about 1,200 children without parental care (mostly war orphans), most of them in the group between 3 and 7 years of age (725). Over 10,000 refugee babies have been born in the period under review.

351. As known, the largest number of refugees, mostly children and women, are accommodated with host families (some 95 per cent), and only 5 per cent in collective centres.

352. The same level of care provided for the children of the citizens of the Federal Republic of Yugoslavia is also provided for all refugee children with no parental care from war-torn areas. All the measures taken with regard to refugee children are designated as being of a temporary nature, so as to prevent their assimilation and preserve their origin. In particular, all forms of adoption of this category of children have been prohibited, as indicated in paragraph 152.

353. A major contribution to the welfare of refugee children has been made by their kinsfolk who have taken them in. Through direct surveillance, welfare agencies check the ability of these families to provide an appropriate family environment. In addition to organized accommodation, refugees are provided with care, health care and aid in the educational field. Also, refugees enjoy collective protection of their personal property and other rights and freedoms, as well as international legal protection in the manner stipulated with regard to the citizens of the Federal Republic of Yugoslavia.

354. A refugee child is entitled to full health care which covers prevention, emergency medical care, specialist check-ups, dental care, as well as medicaments, hospitalization, check-ups in health-care institutions, etc.

355. Disabled children and youth - refugees up to age 18 and university students up to age 26 - are entitled to specialized and rehabilitation care in institutions for rehabilitation and to orthopaedic and prosthetic appliances and aids.

356. In line with the provisions of article 22, paragraph 2 of the Convention, the Republican Commission and the National Red Cross have initiated the raising of funds, in cooperation with the United Nations institutions and other organizations.

357. In addition, for the purpose of implementing the provision of the Convention which stipulates that a child whose parents or other family members cannot be located shall be granted the same care as any other child permanently or temporarily deprived of a family, the Law on Social Welfare and Provisions of Social Security to the Citizens of the Republic of Serbia (art. 2, para. 2) shall be applied, considering that all refugees are in need of social welfare. This Law shall apply to refugee children in all the cases where the Law on Refugees as a lex specialis has not sufficiently regulated the area of social welfare, as is the case with article 37 of this Law, which concerns the right to accommodation in an institution of social welfare of a child without parental care, or a child whose development has been hindered due to family problems, until it is entrusted to the care of a foster family or other family until the completion of regular schooling, and no longer than six months upon the termination of regular schooling. As outlined in the section of the report related to article 20 (para. 140), under this Law a child without parental care shall be understood to mean a child without living parents, whose parents are unknown or missing, and any child whose parents, for any reason whatsoever, have ceased to exercise their parental rights and duties, on a temporary or a lasting basis. The Commission for Refugees cooperates with the Service of the Red Cross of Yugoslavia for Tracing Missing Persons, as well as with the International Committee of the Red Cross, in the area of family reunification, and particularly with reference to the category of refugee children under 16 who are on their own.

358. The welfare of refugee children in the Republic of Montenegro is regulated in the same manner.

359. In their work with refugees, social and health services also provide care to refugee children born in the territory of the Federal Republic of Yugoslavia, conceived by women raped in captivity by enemy soldiers and other persons. Almost all those mothers refused to accept their babies upon delivery. Since the conception and prenatal development of these babies occurred under unnatural and inhumane conditions, special attention and care by the competent institutions are required.

360. Under the Law on Refugees of the Republic of Serbia and the respective regulation in the Republic of Montenegro, refugee children are entitled to education in conformity with the law. Pupils and university students are given expert assistance for preparing entrance, supplementary and other exams to qualify them to take part in regular schooling. This expert assistance is provided by schools and faculties respectively. Regular refugee pupils and students are granted financial allowances for board and lodging at pupils' and students' hostels, for the purchase of textbooks, school materials and other

teaching aids, and for transportation to school or the faculty, which has been done in the past and will be available in the future, subject to possibilities. Refugee children with developmental disorders are provided with places in pre-school institutions, if they are equipped for such work. All refugee children in the Federal Republic of Yugoslavia are covered by regular elementary education.

361. The endeavours to provide optimum conditions for the normal development of refugee children have been largely constrained by the United Nations sanctions. Due to inadequate nutrition and low resistance to diseases in general, the number of cases at different stages of anaemia in children and of communicable diseases and digestive tract disorders is on the rise. In view of the overall grave situation, substantially aggravated by the sanctions and the lack of basic medicaments and raw materials required for their production, the position of these children is worsening by the day.

362. Fully aware of the threat posed by the war and refugee status to the mental health of children and youth, the expert team of the Mental Health Institute in Belgrade took appropriate steps in July 1991, following the first wave of refugees. A mobile task force of experts in mental health was set up. It visited the communities with the highest influx and concentration of refugees. Previous experience pinpointed the following groups as the most vulnerable ones, in need of special care:

(a) Refugee mothers with small children;

(b) Children who had been exposed to violence, the death or injuring of the members of their family or who had been sexually abused; children who had experienced repeated intensive stress or loss of a close person;

(c) Children born to mixed marriages, who were numerous since one in seven marriages in the Former Yugoslavia, and one in three in the war-afflicted areas, was a mixed marriage;

(d) Children with a previous diagnosis of psychic disorders and mental diseases. In 1993, of the 147 children under 18 treated by this Institute, 65 per cent belonged to this category. Stresses experienced during the war had further exacerbated their condition, and treatment was much more difficult owing to the lack of medicaments, in particular following the intensification of the United Nations sanctions;

(e) Refugee children and young people accommodated in collective refugee centres. The findings of the research on "Psychosocial reactions and disorders in refugee children and adolescents in exile" demonstrate that children in collective centres exhibit more symptoms of emotional suffering than children accommodated with host families. Some 25 per cent of pre-school children and 35 per cent of schoolchildren needed some sort of psychological help. It is fortunate that only a small percentage of refugee children - under 5 per cent - are accommodated in collective centres.

363. During 1991 and 1992, 40 one-day seminars were held in regional centres in Serbia, in particular in cities with large concentrations of refugees

(Beograd, Novi Sad, Niš, Kragujevac, Valjevo, Kraljevo, Zaječar, Bor, Šabac, Užice, Smederevo, Sombor, Subotica, Požarevac, Zrenjanin, Čačak), attended by some 3,000 health workers and their associates.

364. Particular care is directed to the adolescent refugees in collective centres, where the cases of social behaviour, such as evading school, the use of alcohol and tobacco, etc. are most frequent. Special programmes of psycho-social development and prevention of mental illness are envisaged for them.

365. In view of the large number of refugee children in the Federal Republic of Yugoslavia and the need for an adequate and highly qualified approach, work is still under way on organized education for those working with refugee children. Thus, the programme of education of activists of the Yugoslav Red Cross, which is being implemented by several scientific institutes (under the sponsorship of the Swiss Diaster Relief Unit SDRU, Berne, and the Yugoslav Red Cross, from January to July 1994) focuses on the following: [illegible] of children, pregnant women, mothers with small children, health of children, education of children, protection of the child's identity, reunification of families, conditions for the development of children).*

366. On this occasion we should again reiterate the great importance of international humanitarian relief. However, even though humanitarian aid is exempt from the sanctions, a complicated bureaucratic procedure must be complied with before approval is granted for the delivery of relief to the Federal Republic of Yugoslavia. This procedure discourages many potential donors from supplying relief, and those who nevertheless submit applications have to wait a long time for approval to be issued by the Sanctions Committee, which also slows down the delivery of humanitarian relief. For example, in mid-1993 UNHCR was some two months behind schedule with its aid programme, because it had to wait for the approval of the Sanctions Committee. The same experience was shared by the European Community Programme, while the medical programme of the International Federation of the Red Cross, planned for the first half of 1993, was implemented only in the second half of the year. The manual "How to Help Refugees", which is to be printed with SDRU sponsorship, contains a chapter on the protection and exercise of rights of refugee children.

367. The volume of aid by private donors has considerably decreased due to the long and complicated procedure of obtaining approval, and we should underline that that assistance was by no means negligible before the introduction of the sanctions.

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* The reference publications used include the following manuals: "Children without Escort in Exile" (International Social Service, Geneva, and the Institute for Social Policy, Belgrade, brochure, published in 1993); "Relief for Children in Difficult Circumstances" (Save the Children, UK, and the Institute for Social Policy, Belgrade, brochure); "Evacuation of Children from Conflict Areas (UNICEF, UNHCR and the Institute for Social Policy, Belgrade, published in 1993, brochure).

2. Children in armed conflict (art. 38)

368. Yugoslavia was the second country in the world, immediately after Switzerland, to ratify the Fourth Geneva Convention (at the same time as the first three) and the fourth to ratify the Additional Protocols. By ratifying these instruments, Yugoslavia undertook to abide by them, as well as to implement the various peacetime measures they envisage. One of these measures is to incriminate all acts aimed at violating the Geneva regulations.

369. The Criminal Code of Yugoslavia punishes the criminal acts envisaged by the Geneva Conventions. Also, the Law on Total People's Defence, in article 93, makes it expressly incumbent on members of the armed forces to respect, in carrying out combat operations always and under all conditions the rules of international armed conflict and the humane treatment of the wounded and captured enemy, as well as to protect the population and observe other rules of that law, in accordance with the Constitution and the Law.

370. The military service of nationals of the Federal Republic of Yugoslavia is regulated by the provisions of articles 279 to 336 of the Law on the Yugoslav Army. The mentioned provisions fully take account of the obligations assumed by the Federal Republic of Yugoslavia as a signatory of the Convention on the Rights of the Child, and especially article 38 thereof. Thus, the provisions of article 288, paragraph 2, of the Law on the Yugoslav Army prescribe that the draft obligation is incurred at the beginning of the calender year in which a Yugoslav national reaches 17 years, and call-up itself, as one of the elements of that obligation, pursuant to article 291, paragraph 1, of the same Law, occurs in the calendar year in which the draftee turns 18. From the time the obligation is incurred to the time of call-up, the draftee is entered into the military records and is subject to medical and other check-ups and psychological tests to establish his fitness for service. Only at the personal request of a draftee, and during a time of war at the order of the President of the Republic, can call-up take place earlier. However, in these cases too, recruiting can be done in the calender year in which the conscript turns 17 years of age at the earliest.

371. On the other hand, when it is borne in mind that according to the provisions of articles 301 and 302 of the mentioned Law, a recruit is sent to do his military service when he turns 21 (or, if he himself so demands, at the earliest in the year he turns 18), then it is clear that from the standpoint of the regulations it is not possible to recruit persons who have not turned 15 years of age and include them in an armed conflict as members of the Army of Yugoslavia. Such persons cannot be engaged in other duties related to the defence of the country either, such as participation in civil defence.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

372. The legal system of the Federal Republic of Yugoslavia regulates the criminal-legal protection of children in a satisfactory manner, irrespective of whether they appear as the perpetrators, objects or witnesses of criminal acts.

373. The Criminal Code of the Federal Republic of Yugoslavia, in chapter VI (arts. 71-83) regulates the general rules on correctional measures and the punishment of minors. Article 72 defines the child as a minor who was not 14 years of age at the time of committing a criminal act and against whom no criminal sanctions may be enforced. Article 73, paragraph 1, defines a younger minor as a person who was 14 at the time of committing a criminal act but was not 16, and on whom only correctional measures can be pronounced. Article 73, paragraph 2, defines an older minor as a person who was 16 at the time of committing a criminal act but was not 18, and on whom correctional measures and, exceptionally, prison for minors can be pronounced. In addition, the other articles of this law regulate: the purpose of correctional measures and minors' prison (art. 74), the types of correctional measures (art. 75), amendment of the decision on correctional measures and the termination of their enforcement (art. 76), the punishment of older minors (art. 77), minors' prison (art. 78), the pronouncement of correctional measures and minors' prison for multiple offences (art. 79), the statute of limitations for the enforcement of the sentence to minors' prison (art. 80), the pronouncement of sanctions against adults who committed criminal acts when minors (art. 82) and the effects of correctional measures and a sentence to minors' prison (art. 83).

374. In addition to the Criminal Code of the Federal Republic of Yugoslavia, the Law on Criminal Proceedings of the Federal Republic of Yugoslavia protects children and minors in a number of articles. Thus, articles 227-236 of the latter Law prescribe the manner of interrogating a minor who is a witness (and witnesses in general), and envisages exemptions from giving testimony or the possibility of refusing to answer certain questions. These provisions are of special importance when children who are victims of criminal acts appear as witnesses. The mentioned Law in article 288 prescribes the possibility of excluding the public from court proceedings when that is in the interest of the protection of the morals or the interests of a minor; this also protects children when testifying as victims or other eye-witnesses. In addition, there are a number of provisions (chap. XXVII - Treatment of Minors, arts. 452-492 of the Law on Criminal Proceedings) protecting the personality of minors in court proceedings when they appear as perpetrators of criminal acts. Article 473 prescribes that a judge for minors may order that during the preparatory procedure a minor be accommodated in a reception centre, correctional or similar institution, placed in a custodial setting or in another family. There are no coercive measures for the needs of the process or measures to ensure the presence of the minor at the process, only measures taken in the interest of the minor, with a view to ensuring adequate accommodation, care and treatment, and removing him from a milieu which had or could have a negative influence on him. In exceptional cases, in proceedings involving a minor, a measure of detention can be pronounced, and it can be applied only in objectively justified cases, which should be rigorously judged. Such detention can last up to a month and for justified reasons; if, despite urgent action, the preparatory proceedings are not completed within a month and the reasons for detention still objectively exist, it can be extended for a maximum of a further two months. As a rule, a minor is held in detention separately from adults, and in exceptional cases a judge for minors may decide that a minor shall be held in detention with adults if the isolation of the minor is to last for a longer period of time, and it is possible to put him in a room with an adult who would not have a harmful

influence on him (arts. 474 and 475). The only punishment which can be pronounced against a minor is minors' prison (arts. 77 and 78 of the Criminal Code of the Federal Republic of Yugoslavia). A sentence of minors' prison can be pronounced only on an older minor who has committed a criminal act for which a sentence of prison of over five years is prescribed.

375. The criminal laws of the member republics also regulate the criminal-legal protection of minors, be they perpetrators of criminal acts, victims or participants. In criminal proceedings against minors, the members of the panel are required to have special qualifications. The panel members who are not judges are equal to the judges in terms of decision-making; they too have to have special knowledge and experience in the upbringing of children.

376. Unfavourable social trends and all the difficulties brought about by the economic and war crises have led to an increase in delinquent behaviour by children, primarily the commission of criminal acts and offences.

377. The causes lie primarily in the substantial upset in the scale of social values caused by a war in the neighbourhood and harsh sanctions in all areas of life, from trade, transport and culture to scientific exchange with the world. An inescapable phenomenon attending such a situation is the blooming of a black market in all goods and the increase of all forms of crime. As defined by experts on juvenile delinquency, it is not the children who have changed but the social scene, and offenders include those who would normally not be involved in such activities (i.e only 0.43 per cent of the registered juvenile delinquents comes from families receiving material support and aid, and only 3.6 per cent from families with considerably disrupted internal relations), but are simply pushed into them by the contamination and destructiveness of the environment. The micro scene has changed; young people have no prospects under such conditions and their position is frustrating. It has also been noticed that the age at which delinquent behaviour begins is lower and lower, and has over the past two years fallen to between 8 and 10.

378. In the structure of criminal offences, the most frequent are criminal offences against private property (theft and larceny), violent behaviour and traffic offences. The attached tables show the decline in the number of perpetrators - from the number of reported minors, the number of those indicted and those convicted. A large number of criminal acts are of late being committed by minors who cannot incur criminal liability, i.e. below 14 years of age. Thus, for instance, in Montenegro, in 1991, the number of reported minors was 725, or 16.85 per cent more than in 1990. In 1992, the number of charges pressed against minors was 1,278, of which 125 were rejected because the perpetrators were under 14 years of age. In 1,077 cases court proceedings were initiated, in 731 cases a proposal made for the pronouncement of correctional measures, in 16 cases a proposal was made for punishment, 4 sentences were pronounced, 21 institutional measures and 415 non-institutional measures.

379. In keeping with its jurisdiction, the competent ministry of the interior was extremely restrictive and selective, applying the measure of deprivation of freedom, i.e. detention of up to three days, only for the most serious and more complex cases, and when it did it was with special treatment and respect

for their rights according to the law. Of the 35,140 minor perpetrators of criminal acts, 184 (0.55 per cent) were deprived of freedom, while the measure of detention of up to three days was pronounced against 253 minors (0.7 per cent).

380. Proceeding from the humane nature of criminal law against minor perpetrators of criminal acts, as well as from the fact that the aim of criminal proceedings towards minors is to find forms of protection which will enable their socialization, the committed acts were not treated as a basis for pronouncing social sanctions nor was the procedure towards them of a repressive nature.

381. The most frequent measures pronounced were correctional ones which do not have the nature of criminal sanctions. In the Federal Republic of Yugoslavia there are 16 institutions for implementing institutional correctional measures, with 971 minors in them.

382. The protection of the rights of children in criminal proceedings, as well as in the process of enforcing the pronounced correctional measures and criminal sanctions, is ensured through the obligatory participation of guardian authorities in all stages of the process.

383. In Belgrade (pop. 2 million) the number of minor perpetrators of criminal acts is growing, and their number per 1,000 inhabitants from 15-19 years of age rose from 30.7 per cent at the beginning of the 1980s to 42.2 per cent during the 1990s. It is also characteristic that in 1993 the number of offences committed by minors was much larger in communes of the narrow city core (59 per 1,000) than in the outlying, mainly rural area (26.9 per 1,000).

384. As opposed to juvenile crime, juvenile delinquency is less present. About 2,200 minors on the average take part annually in 2,000 offences of which the most frequent have for the past several years been fights, rude and ruthless behaviour, violent behaviour, endangering of security, etc.

385. With regard to the situation where minors are victims, over 1991, 1992 and the first six months of 1993, satisfactory protection of minors was achieved in the territory of the Republic of Serbia. The number of minors and children committing criminal acts was not particularly large as compared with the total number.

386. In 1992/93 the number of minor victims of criminal acts was 3,597, of whom 1,045, or around 30 per cent were children. The highest risk category of minors are those from 14-18, who are the victims of the most serious criminal acts.

387. Charges were pressed against 10 persons because of illegal deprivation of freedom, and against 5 for the criminal act of abduction of minors, i.e. against 17 perpetrators for the criminal act of abducting a minor.

388. Charges were pressed in 610 cases for dispensing alcohol to minors below 16 years of age, and 262 persons were criminally prosecuted because of neglecting their obligation to care for a minor.

389. Republican ministries of the interior are intensively working on the suppression and prevention of more serious offences, such as fights, violent behaviour in public places, the illegal bearing and use of firearms and bombs, etc. To that end the activities of ministries are oriented towards adequate coverage of public places and facilities at times when young people most frequently gather there, intensified patrols and more policemen on the beat, the engagement of expert and specialized services for the suppression of juvenile delinquency and the establishment of cooperation and contacts with social and educational-upbringing institutions, schools, etc. In addition to the staff in uniform and operatives of the Ministry of the Interior, this activity is also carried out by special services dealing with juvenile delinquency problems.

2. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

390. The reply to this article of the Convention is contained in part V of the report, paragraphs 94-96.

C. Children in situations of exploitation

1. Economic exploitation, including child labour (art. 32)

391. The protection of children against work hazardous to their health has been regulated under the Federal Labour Relations Law. According to article 5 of this Law, the age limit for employment is 15 years, provided the applicant is generally fit in terms of health and specifically fit for work on a specific job. Night work is prohibited for workers under 18 in industrial, construction and transportation activities, if such work would preclude them from resting at least seven hours between 10 p.m. and 6 a.m. Workers under 18 may work at night only in cases of work interruptions due to unforeseeable force majeure, when it is so required by the general interest in exceptionally difficult circumstances or when damage needs to be prevented to raw materials or other inputs (e.g. in the event of earthquakes, floods, avalanches, accidents, emergency situations and similar).

392. In addition to these exceptional situations, workers under 18 in industrial, construction and transportation activities may be assigned to night work only with the approval of the competent labour ministry and the prior agreement of the responsible trade union, chamber of commerce and labour inspectorate. In all other economic and non-economic activities, night work for workers under 18 is prohibited.

393. Also, workers under 18 may not be assigned to especially hard physical labour, underground or underwater work or to any other work which poses risks to their health and could adversely affect it. Workers under 18 may not work overtime either.

394. With a view to protecting their health, workers under 18 are entitled to an extra 6 days of annual leave in addition to the vacation normally envisaged under the collective labour contract, provided that such leave does not exceed 36 days in all. The shortest duration of annual leave for workers under 18 is 18 work days.

395. There have been no deviations from the legal provisions referred to in this section, both because traditionally minors are not employed and because of the current high unemployment level of the economically active population.

2. Drug abuse (art. 33)

396. Under the Criminal Code of the Federal Republic of Yugoslavia drug abuse has been singled out as a separate criminal offence in order to underline the significance of the criminal offence of the taking of narcotic drugs, the inducement of others to do so, the making available of premises for that purpose or the performance of other actions to that end, with the punishment envisaged for it ranging between three months and five years of imprisonment. Any of the criminal offences referred to have additionally been qualified if they have been committed against a minor or a large number of people or have caused grave consequences. In such cases the sanctions envisaged are also greater - from 1 to 10 years of imprisonment.

397. The police and health authorities are the ones most active in combating drug abuse. The only medical Institute for Addiction in the country is located in Belgrade. It applies methadone therapy to treat addicts. The Mental Health Institute in Belgrade also medically treats addicts in some respects. According to information provided by doctors from the mentioned Institute the number of younger users is on the rise. Elementary schoolchildren aged 9-15, in particular, use anything they can lay their hands on: medicaments for mental diseases, glue, gasoline, acetone, hashish, marijuana, asthma spray, opium poppy tea, all these in combination with alcohol which results in multiple damage. The police find traces of such narcotics in the courtyards of elementary schools.

398. For the time being there are no statistics on the number of users, for consumers may not yet be addicts, and statistics register only addicts. In point of fact, statistical data register a decline in addiction (on the basis of the number of persons receiving treatment), which is why it is impossible to determine the number of minors using these psychotropic substances. The only right remedy for the disease of addiction, which obviously burgeons at times of crisis, is prevention. However, the educational system does not have a uniform educational programme for the prevention of drug addiction, nor is there coordination of the work of institutions dealing with this problem, i.e. a uniform programme. Actions are confined to individual programmes operated by medical institutions, schools, social organizations in some places, alternative groups and the mass media (the press, TV and radio); one of these is, for instance, the seminar for parents and educators organized by the Institute for Addiction and the counselling sessions within the Children's Cultural Centre in Belgrade organized by the same Institute.

3. Sexual exploitation and sexual abuse (art. 34)

399. According to Yugoslav criminal legislation, the following are more specifically defined forms of sexual abuse: abuse of office, rape, procuring, instigation or coercion to prostitution, cohabitation with a minor, incest.

400. Criminal legislation in the Federal Republic of Yugoslavia and in its member republics envisages punishment for extramarital cohabitation with a minor, with the Criminal Code of Serbia setting the age limit between 14 and 17, and the relevant law of the Republic of Montenegro between 14 and 16 years of age.

401. A minor may marry having completed at least 16 years of age, if it is established by the court that the minor in question has reached the necessary level of physical and mental maturity for marriage. Prior to rendering a ruling the court must obtain the opinion of the guardianship authority, hear the opinion of the applicant, his/her parents or guardians and the proposed spouse; it must also obtain the opinion of a medical institution and examine other pertinent circumstances.

402. It should be stressed, though, that out-of-wedlock unions are customary among some national communities and among Serbs in some parts, especially in rural areas. It is very difficult to apply punitive legal provisions due to the fact that these communities are impervious and seldom report such cases, except in the event of marriage under coercion.

403. The prostitution of minors does exist in the Federal Republic of Yugoslavia, although no accurate data exist on their number, age and similar. At any rate it is of a sporadic nature and not of wide proportions.

404. Incest seldom occurs as a distinct criminal offence but is, as a rule, combined with the criminal offence of rape, intercourse with a child or a minor, the abuse of office. The most frequent cause is introversion (social detachment), neurotic lonesomeness, schizophrenia and family crises. The criminal codes of the member republics stipulate only sexual intercourse with first degree kin or a brother/sister as incest.

405. All the mentioned forms of the sexual abuse of children are as a rule accompanied by violence in the family. As disrupted relations are usually the case, or the perpetrators are persons with behavioural disorders, the measures undertaken are most frequently confined to the prevention of graver consequences. The availability of assistance for the victims is of special importance in that regard (SOS telephones in cities).

4. Other forms of exploitation (art. 36)

406. The relevant provisions of the criminal codes stipulate the criminal offences of child abuse and the penalties therefor. When there is a question of the abuse of children by their parents with the intent of committing a criminal offence, such parents are restricted in their parental rights or deprived of them altogether.

407. The protection of children against all forms of abuse, maltreatment, neglect and sexual abuse has been significantly promoted by the establishment of centres for social work in the early 1960s and their evolution, in the 1980s, into guardianship authorities empowered to exercise general supervision over the discharge of parental rights, when the regulation of family-legal relations was transferred to the republics (in the already mentioned laws of Serbia and Montenegro).

408. In exercising general supervision over the exercise of parental rights, social work centres, as guardianship authorities, may warn the parents of their shortcomings in the education and upbringing of their children, assist parents properly to bring up their children, refer them, alone or with their children, to appropriate counselling, health or social care institutions.

409. Centres for social work are empowered to take other protection measures as well, which have been listed in the replies concerning the application of article 19 of the Convention (paras. 163-168).

410. Children's and school clinics, day-care institutions and elementary schools, as establishments playing a significant role in the education and the preservation of the physical and mental health of children (and whose services are compulsory for all children), are considered to have an important role in the detection and prevention of child abuse and neglect. The staff of these institutions are under an obligation to take the necessary steps as soon as they recognize signs of abuse or neglect.

411. The results of research undertaken show that cases of abuse and neglect are most often reported to guardianship authorities, i.e. centres for social work (almost 62 per cent of the cases) or to the police (over 25 per cent of the cases), while the role of children's and school clinics and elementary schools has been marginalized in this respect.

412. Of late, a series of institutions and organizations has been established in large cities whose purpose is suppressing violence against women and children, to which they may directly turn to for help (youth counselling centres, family and marriage counsellors, SOS telephone for women and children victims of violence, tele-appeal, SOS telephone for victims of discrimination and others). These services are operated by State institutions, humanitarian and other social organizations and they are financed out of public funds (the budget) and by various sponsors (enterprises, banks, private donations, etc.).

413. Children who are, owing to neglect, maltreatment or sexual abuse, separated from their families are placed in guardian families (if there is a close relative capable of taking care of the child), foster families or homes for children deprived of parental care.

414. Every communal centre for social work, as the guardianship authority, identifies in its territory adequate foster families willing and able to care for children entrusted to their custody. For custody and care of their wards, these families receive appropriate compensation from public funds. The centre for social work at the same time controls the care provided to these children and extends to such families professional assistance via its professionals (social workers, psychologists, pedagogists).

415. In addition to communal social work centres, there exist in the Republic of Serbia four specialized centres for the family placement of children, whose professional teams work exclusively on family placement advocacy, the selection of foster families and helping such families discharge their functions.

416. Homes for children deprived of parental care admit not only parentless children (orphans) but also children who have either temporarily or permanently remained without parental care due to the absence of their parents (medical treatment, sentence of imprisonment, military service, parents with restricted or denied parental rights and similar). These homes are as a rule organized with 10 children of different ages being cared for by an attendant. The children in these groups carry out different tasks and duties which children normally do in their own families. In the Federal Republic of Yugoslavia there are 21 such homes, of which 20 are in the Republic of Serbia and 1 in the Republic of Montenegro.

417. The consequences of maltreatment or sexual abuse sometimes necessitate medical treatment, including psychiatric treatment. To that end, in addition to communal health centres with children's dispensaries, as general child health-care services, there also exist children's wards in hospitals and clinics. Belgrade also has a special Children's Psychiatric Clinic and Mental Health Institute, dealing with mental hygiene problems and having considerable experience in working with children victims of maltreatment or sexual abuse. Among the largest in the country, with similar experiences in the field of internal medicine and surgery, are the Children's Clinic and the Mother and Child Health Care Institute in Belgrade.

5. Sale, trafficking and abduction (art. 35)

418. The criminal code of Montenegro envisages abduction and prevention of the execution of a decision on entrusting a minor to another person as a criminal offence, while the criminal code of the Republic of Serbia also envisages the possibility of the abduction of a minor from an institution (to which the minor has been entrusted for care and education). The criminal code of Serbia specifically qualifies this offence if it has been committed for gain or out of base motives, while the criminal code of Montenegro specifically qualifies this offence if the abduction of a minor has been committed with the use of force, through deceit or threat or if its commission has seriously damaged the health, education, maintenance or schooling of the minor in question.

419. According to data at the disposal of the competent services there have been no criminal cases involving the sale of children, child prostitution or pornography.

420. A possibility for trafficking in children is trafficking in children for adoption. However, given the active involvement of guardianship authorities in the adoption procedure the number of adoptions is virtually nil. The same is true of international adoptions where the procedure additionally requires approval from the competent ministry (see the section on adoption, paras. 147-153). In order to avoid the possibility of trafficking in children separated from their parents or war orphans in the former Yugoslavia through adoption, the stand has been taken that until the end of the war international adoptions shall not be permitted. However, within the framework of cooperation with the International Social Service, cases have been reported of mothers going abroad to give birth to their children in foreign hospitals and authorizing the adoption of their newborns, which gives rise to suspicions of child trafficking. This practice calls for greater bilateral cooperation within the framework of the Convention

Concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Infants, irrespective of the fact that the Federal Republic of Yugoslavia has not yet signed this Convention.

D. Children belonging to a minority or an indigenous group (art. 30)

421. In accordance with the relevant constitutional provisions at the federal and republican levels, members of national minorities are guaranteed the right to schooling in their language. This right has been regulated in more detail under the already mentioned republican regulations in the educational field. Thus, instruction is conducted in the mother tongue of the pupils, and in nationally mixed milieux education is organized in the language of the minorities in conformity with the Constitution and the laws and statutes of the commune in question. The parents of minority pupils state their preference at the beginning of the first grade if they want elementary education for their children in their mother tongue, i.e. the language of the minority. In schools in which the entire curriculum is delivered in the language of the national minority, mother tongue and literature programmes as well as history, arts and music courses also contain material related to the national minority in question. In mother tongue and literature curricula 50 per cent of the content is devoted to the literature of the minority in question and its authors. National history courses form part of history programmes. Instruction in arts and music encompasses their national culture, tradition and arts. In these schools the pupils study the Serbian language as the second (non-native) language. In milieux where there live smaller groups of pupils belonging to national minorities and where their number is insufficient for the efficient organization of complete instruction in their language, and teaching is therefore in Serbian, national minority members are ensured studies of their mother tongue and national culture. These programmes cover their native tongue and literature and national culture elements (folklore, history, arts).

422. In schools in which instruction is in the language of the national minority, bilingual school records and certificates are maintained. Republican laws on education and upbringing envisage the possibility of bilingual instruction in elementary school. In 1990/91, 326 elementary schools and 50 secondary schools provided instruction in minority languages for 51,576 and 10,811 pupils respectively.

423. According to the last population census, conducted in 1991, the population of the Federal Republic of Yugoslavia is 62.3 per cent Serb and 5 per cent Montenegrin; members of national minorities and ethnic groups, as well as members of the former Yugoslav nations (Croats, Slovenians, Macedonians), account for the rest. Among the former Albanians account for the largest percentage - 16.6 per cent live in the Federal Republic of Yugoslavia. The above figures refer to the Hungarian, Romanian, Ruthenian, Slovak, Turkish and other minorities but exclude elementary and secondary schools in the Albanian language.

424. Since the 1990/91 school year major problems have been encountered in the education and upbringing of children belonging to minorities. Specifically, since then, children of Albanian nationality in the area of Kosovo and Metohija have stopped attending schools working according to the programme of

the Republic of Serbia, because the representatives of Albanians from Kosovo refuse to accept it. The non-acceptance of educational and pedagogic schemes by the Albanian population due to political considerations only compounds the problems related to the educational system in Kosovo and Metohija. The organizers of this boycott are from among the ranks of Albanian minority political leaders, and even parents who are in fact abusing their children, with a view to the materialization of their separatist aims. Although Albanian children have the same rights as children of other nationalities, precisely because of the politicization of all relations in the Autonomous Provinces of Kosovo and Metohija the majority of Albanian children attend so-called parallel schools, the plans and curricula of which are at variance with the legitimate programme of the Republic of Serbia. In particular, these separate schools in the Autonomous Provinces of Kosovo and Metohija have no permits from the legal authorities of Serbia and the Federal Republic of Yugoslavia; because of the non-possession of working permits and of the content of their curricula, which deviates from the standard one upon political premises, these schools are treated as illegal.

425. Instruction for elementary school pupils belonging to the Albanian minority is mainly conducted in regular school buildings. The educational authorities of the Republic of Serbia are not creating any obstacles to that instruction, as compulsory for all children and delivered in the prescribed conditions. The State does not punish the attending of these schools, but their completion does not confer upon the graduates recognized professional/vocational certificates. In effect, the State does not resort to punitive measures which it could resort to, e.g. the punishing of parents preventing their children from completing compulsory elementary education.

426. The educational authorities of Serbia and the Federal Republic of Yugoslavia have on a number of occasions initiated talks with the representatives of the "parallel Albanian school system". Twelve meetings have been held, in the country and in Geneva in order to arrive at acceptable solutions. During the past school year the offer was made to recognize attendance of parallel schools as if conducted according to regular teaching programmes, so that Albanian pupils too could start the 1993/94 school year in keeping with the programme carried out for all other pupils belonging to minorities, but it was turned down. The talks always begin from square one and a solution to the problem keeps being postponed. In this way, with a view to achieving political objectives children are being abused according to article 28 (d) of the Convention, and entire generations of Albanian children in the Autonomous Provinces of Kosovo and Metohija irreparably retrogress in their education and development. Bearing this in mind the official authorities of the Federal Republic of Yugoslavia and the Republic of Serbia are exerting considerable efforts for the Albanian minority children in this province to be able to exercise this right in conformity with the Convention on the Rights of the Child.

427. In Montenegro, where members of the Albanian minority also live, instruction in the Albanian language is being carried out without any problems, according to the republican programme. Instruction in the Albanian language for elementary school pupils is organized in five communes (Ulcinj, Podgorica, Bar, Plav and Rožaje), in 11 central schools and 32 branch classes.

This instruction covers 3,083 pupils in 176 classes. Regular instruction in secondary schools for pupils attending classes in the Albanian language is organized in 3 communes, with 805 pupils and 36 classes.

428. In nationally mixed communities, preschool institutions are also organized in minority languages. Of the total number of 1,682 preschool institutions in the Federal Republic of Yugoslavia, 98 are in one of the minority languages, of which 16 are in Albanian, 65 in Hungarian, 10 in Romanian, 1 in Ruthenian and 6 in Slovak; in 132 such institutions the educational process unfolds in a number of languages.

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Annex

Table 1

Minors reported to the authorities to have committed criminal acts 1990-1993, Federal Republic of Yugoslavia

	1990	1991	1992	1993*
Grand total	5 368	4 947	5 798	7 426
Against life and limb	337	356	278	291
Murder and manslaughter	16	26	29	33
Negligent homicide	1	2	7	6
Serious bodily injury	117	115	84	93
Minor bodily injury	135	157	98	97
Other acts	68	56	60	62
Against human and civil freedoms and rights	-	23	13	5
Against personal and moral dignity	37	47	33	46
Rape	27	20	15	18
Other acts	21	27	18	28
Against the economy	363	574	358	535
Stealing from the forest	345	560	338	499
Other acts	18	14	20	36
Against socially owned property	1 750	1 305	1 341	1 555
Theft	334	194	208	190
Aggravated theft	776	784	860	1 010
Banditry and serious cases	1	6	3	12
Petty theft	273	147	125	224
Theft of a motor vehicle	10	11	8	12
Other acts	356	163	137	107
Against private property	2 430	2 276	3 448	4 534
Theft	907	783	939	952
Aggravated theft	840	942	1 740	2 201
Banditry	91	69	105	172
Petty theft	202	102	278	807
Theft of a motor vehicle	213	261	231	162
Other acts	177	119	155	240
Against public transport safety	208	207	174	129
Jeopardizing public transport	197	196	169	128
Other acts	-	11	5	1
Against public and legal order	102	90	76	86
Other acts	97	69	77	245

* Prior data.

Table 2

Minors accused of criminal acts 1990-1993,
Federal Republic of Yugoslavia

	1990	1991	1992	1993*
Grand total	4 113	3 328	3 946	4 848
Against life and limb	248	229	262	241
Murder and manslaughter	19	26	30	39
Negligent homicide	1	2	4	4
Serious bodily injury	81	88	85	78
Minor bodily injury	102	87	106	68
Other acts	45	26	37	52
Against human and civil freedoms and rights	24	23	13	1
Against personal and moral dignity	47	32	32	26
Rape	25	13	15	11
Other acts	22	19	17	15
Against the economy	179	265	161	126
Stealing from the forest	154	258	154	123
Other acts	25	7	7	3
Against socially owned property	1 239	747	880	1 050
Theft	273	139	139	211
Aggravated theft	588	440	583	608
Banditry and serious cases	13	3	9	15
Petty theft	218	96	87	133
Theft of a motor vehicle	10	3	1	3
Other acts	137	66	61	80
Against private property	2 132	1 816	2 355	3 149
Theft	732	611	774	784
Aggravated theft	798	679	1 107	1 510
Banditry	88	42	96	78
Petty theft	167	184	96	468
Theft of a motor vehicle	166	156	178	171
Other acts	181	144	104	138
Against public transport safety	137	134	146	90
Jeopardizing public transport	135	133	141	87
Other acts	2	1	5	3
Against public and legal order	47	46	67	52
Other acts	60	36	30	113

* Prior data.

Table 3

Minors sentenced for criminal acts 1990-1993, Federal Republic of Yugoslavia

	1990	1991	1992	1993*
Grand total	3 011	2 563	2 983	3 685
Against life and limb	184	156	180	175
Murder and manslaughter	16	21	26	34
Negligent homicide	1	2	3	3
Serious bodily injury	62	61	60	6
Minor bodily injury	70	57	75	40
Other acts	35	15	16	37
Against human and civil freedoms and rights	15	11	7	1
Against personal and moral dignity	34	20	22	18
Rape	15	7	11	7
Other acts	19	13	11	11
Against the economy	131	212	111	69
Stealing from the forest	115	212	107	68
Other acts	16	-	4	1
Against socially owned property	910	529	624	769
Theft	217	103	94	157
Aggravated theft	397	304	444	436
Banditry and serious cases	2	2	-	13
Petty theft	174	59	7	98
Theft of a motor vehicle	4	3	40	2
Other acts	116	58	39	63
Against private property	1 550	1 470	1 851	2 459
Theft	590	518	639	610
Aggravated theft	508	550	881	1 192
Banditry	62	36	61	60
Petty theft	117	129	73	373
Theft of a motor vehicle	135	121	117	124
Other acts	138	116	80	100
Against public transport safety	105	101	117	67
Jeopardizing public transport	104	100	114	66
Other acts	1	1	3	1
Against public and legal order	34	34	46	40
Other acts	48	30	25	67

* Prior data.

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